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Babylonian Talmud

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THE HISTORY OF THE TALMUD

From the Time of Its Formation, about 200 B. C., up to the Present Time

DIVIDED INTO TWO VOLUMES

VOLUME I. — ITS DEVELOPMENT AND THE PERSECUTIONS SINCE ITS BIRTH UP TO DATE, INCLUDING ALL RELIGIOUS DISPUTES AND BRIEF BIOGRAPHIES OF THE SEPARATED SECTS

VOLUME II. — THE HISTORICAL AND LITERARY INTRODUCTION TO THE NEW EDITION: ETHICS, METHOD, WITH ILLUSTRATIONS CRITICISM, ETC.

BY

MICHAEL L. RODKINSON

Volume II. (XX.)

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PART I.

HISTORICAL AND LITERARY INTRODUCTION TO THE NEW EDITION OF THE TALMUD.

CHAPTER I.

THE COMBINATION OF THE GEMARA, THE SOPHRIM, AND THE ESHCALATH.

Voluminous books were written about the text of the Mishna and Talmud in almost every language, besides valuable articles by very scholarly men in different books and periodicals. In the bibliography the reader will find all modern works arranged with various references to subjects. We shall only point out the special books on this subject, viz., "Darkhe Hamishnah," (The Ways of the Mishna), by Zachariah Frankel, "The Introduction to the Mishna," by Jacob Brill, 1876, "The Tradition of the Oral Law," by H. Weiss, and "Toldat Hamishnah," (History of the Mishna), by Haim Oppenheim, all in Hebrew; "Jahrbücher," by Dr. N. Brill, Frankfort, A. M., "Real Encyclopædie," by J. Hamburger, "Die Lehrer der Mishna," by M. Braunschweiger, and Graetz's "History of the Jews," all in German. Finally three special introductions were written (1) "Einleitung in den Talmud," Leipzig, 1894, second edition, by Dr. Herman Strack, in German; (2) "Introduction to the Talmud," 1891 and 1894, second edition, by Dr. M. Mielziner, in English, and (3) "Introduction to the Mishna," in the Russian language, by N. Perferkowitz.* In these introductions are mentioned also the different translations of the Mishnayoth and Talmud in all the languages up to the time these works were written. Finally, Dr. Erick Bischoff wrote a special book named "Kritische Geschichte der Talmud—Überzetzungen aller Zeiten und Zungen," Frankfort,

* This work, which is the first of its kind in the Russian language, is also worthy to be considered.

a. M., 1899. All the above mentioned introductions explain the terms of the text of the Mishna and Talmud, their abbreviations and the method of both Talmuds, to enable those who desire to study the text in the original. We, however, who wish to give an introduction to our English translation of the Talmud, deem it not necessary to trouble the English reader with the explanations of the text, and shall give only what pertains to our new edition.

We have already mentioned in our brief introduction to *Sabbath* that the Talmud, in general, is composed of *Mishna* and *Gemara*. In this introduction, however, we shall give all the particulars pointed out by Strack and Mielziner which we deem of interest to the English reader. As a text we took Mielziner's "Introduction," which is an excellent work, omitting what seems to us not necessary for the reader, supplying it with necessary remarks and additions.

(1.)

The Talmud is a combination of *Mishna* and *Gemara*, the latter is a collection of *Mishnayoth*, *Tosephtas*, *Mechilta*, *Siphra*, *Siphre* and *Boraithas*, all of these, interpreted and discussed by the Amoraim, Saboraim, and also Gaonim at a later period. "The Mishna is the authorized codification of the oral or unwritten law, which on the basis of the written law contained in Pentateuch, developed during the second Temple, and down to the end of the second century of the common era." The author of which was R. Jehuda, the prince named "Rabbi" (flourishing toward the end of the second century), taking the unfinished work of R. Akiba and R. Meir as basis.*

(2.)

"The word Tosephta means Addition, Supplement, and, as indicated by this name, the work is intended to complete deficiencies of the Mishna.† It is divided into Masechtoth, generally corresponding to those of the Mishna, but differing

* The meaning of the word Mishna is already explained by us in the first volume of this work, as well as its division into sections.

In Mielziner's "Introduction," pp. 18–21, the reader will find all the details about Mechilta Siphra and Siphre and Boraitha, which we deem it not necessary to repeat as they are not of importance to the reader.

† See also our brief general introduction, vol. i., p. xvii.

from them in the arrangement of their subject, and in the division of their Perakim. The latter are not subdivided into paragraphs. There are in all sixty Masechtoth and 452 Perakim. The Tosephta contains mainly the remnants of the earlier compilations of the Halacha made by R. Akiba, R. Meir, R. Nehemia, and others not adopted in the Mishna, and, besides additions made after R. Jehuda Hanasi's death by his disciples, R. Chiya, R. Oshaya, Bar Kappara and others. But we find in that work also many sayings and decisions of later Amoraim of the Babylonian and Palestinian schools. In its present shape it belongs to the fifth or sixth century." *

(3.)

"The Mechilta, the Siphra and the Siphre have this in common, that they treat of the oral law not according to well arranged subjects, as is the case with the Mishna and the Tosephta, but rather in the form of a running commentary and discussion on the biblical passages from which the law is deduced or on which it is based.

"The Siphra, also called Torath Cohanin, is a collection of traditional interpretations of the whole book of Leviticus, introduced by an exposition of R. Ishmael's thirteen hermeneutic rules."

(4.)

"The Siphre, or, as its fuller title reads, the books of the school of Rab, comprises the traditional interpretations of the book of Numbers, beginning with Chapter V., and of the whole book of Deuteronomy. The author of the Siphre on Numbers was evidently not the same as the author of that on the last book of the Pentateuch. The style of the former, being more argumentative and discursive, often resembles

* The Tosephta is usually printed as an appendix to Alphasi's compendium of the Talmud. In the Vienna edition of the Babylonian Talmud (1860-72) the Masechtoth of the Tosephta are appended to the corresponding Masechtoth of the Talmud. A separate revised edition of the whole Tosephta was published by Dr. Zuckermandel (Pasewalk and Treves, 1877–82). Dr. Adolph Schwartz is publishing a new edition of the Tosephta, with notes and text corrections, of which the first volume is out, Wilna, 1891. Critical researches on the Tosephta are found in Frankel's "Darke Hamishna," pp. 304–307, and in I. H. Weiss's "Dor Dor," etc., II., pp. 217–225; also in I. H. Duenner's "Wesen und Ursprung der Tosephta," Amsterdam, 1874.

that of the Siphra, while Siphre on Deuteronomy is generally brief, bearing more resemblance to the Mechilta." The author of it is said to be R. Simeon b. Johai.

Besides the Tosephta, the Mechilta, the Siphra and the Siphre just described, other collections of a similar character existed during the Talmudical period. In the course of time they perished, but many hundred fragmentary passages thereof are quoted in all parts of the Palestinian and Babylonian Gemara. Such a passage quoted from those lost collections as well as from the Tosephta, Mechilta, Siphra and Siphre was termed *Boraitha*, or *Mathnitha Boraitha*, meaning *extraneous* Mishna. This term was used in order to distinguish those passages from passages in *our Mishna*, that is, the authorized Mishna of R. Jehuda Hanasi, compared with which they had but a subordinate value. The Baraithoth are often found to be conflicting with each other or with the authorized Mishna, and in this case the Gemara usually displays great ingenuity and subtility in the attempt to reconcile them. In some instances, however, one or the other Boraitha is declared to be spurious.*

The authorities mentioned in the Mishna and Boraitha † as having transmitted and developed the oral law belong to three different periods; namely: (1) The period of Sopherim (Scribes); (2) The period of Zugoth; (3) The period of Tanaim.

(*a*) Sopherim or Scribes were the learned men who succeeded Ezra during a period of about two hundred years. To them many institutions and extensions of the Mosaic law are ascribed. The Sopherim are also called collectively "the men of the Great Assembly (Synod)." According to tradition, this synod consisted of 120 members, but we have no record of their names with the exception of *Ezra*, its founder, and of *Simon the Upright* (*Just*), (the high priest Simon I., between 310–292, or his grandson Simon II., between 220–202 B.C.), who is said to have been one of the last members of the Great Assembly.

* Some critical researches on the Boraitha are found in Frankel's "Darke Hamishna," pp. 311–313, and in I. H. Weiss's "Dor Dor," II., pp. 239–244.

† We do not find the *Zugoth* to be mentioned in the Boraitha. However, we do not cancel it as it is so written by Mielziner.

Antigonos of Socho, a disciple of Simon the Just, was the connecting link between this and the following period.

(*b*) The word *Eshcalath* (*Zugoth*), meaning the pairs (duumviri), is the appellation of the leading teachers from Jose ben Joezer till Hillel, of whom always two, at the same time, stood at the head of the Sanhedrin, one as president (Nasi), and the other as vice-president (Ab beth din).

The succession of these Zugoth was:

(1) *Jose ben Joezer* and *Jose ben Jochanan*, flourishing at the time of the Maccabean wars of independence.

(2) *Joshua b. Perachia* and *Nitai of Arbela*, flourishing at the time of John Hyrcan.

(3) *Juda b. Tabai* and *Simon b. Shetach*, flourishing at the time of Alexander Janai and Queen Salome.

(4) *Shemaiah* and *Abtalion*, flourishing at the time of Hyrcan II.

(5) *Hillel* and *Shamai*, flourishing at the time of King Herod.

(*c*) With the disciples of Hillel and Shamai begins the period of *Tanaim*, which lasted about 210 years (from 10 to 220 Ch. Era). With the beginning of this period the title *Rabbi* (teacher) for the ordained teachers, and the title *Rabban* (our teacher) for the president of the Sanhedrin came in use.

In the Mishna, the term Tana, meaning a teacher of the oral law, does not yet occur. Those teachers are there signified by generally adding the title of *Rabbi* to their names, or by calling them collectively the Sages, while the authorities of the preceding period are occasionally designated "the former elders." It is first in the Gemara that the term *Tana* is applied to a teacher mentioned in the Mishna and Boraitha, in contradistinction to the *Amoraim*, expounders of the Mishna, as the teachers after R. Jehuda Hanasi are called. (In Babylonian Talmud: in Palestinian, however, the Amoraim are also called Rabbis.)

The period of the Tanaim is generally divided into five or six minor sections or generations. The purpose of this division is to show which teachers developed their principal activity contemporaneously, though the actual lifetime of some of them extended to more than one generation.

The following chronological tables contain the names only of the more prominent * teachers of each generation. Every table is followed by short biographical sketches of the teachers mentioned therein.†

CHAPTER II.

THE GENERATIONS OF THE TANAIM.

First Generation.

The principal Tanaim of the first generation, which lasted about seventy years, from 10 to 80, Ch. Era,‡ are: (1) The School of Shamai and the School of Hillel; (2) Akabia ben Mahalalel; (3) Rabban Gamaliel the Elder; (4) Rabbi Chanina, Chief of the Priests; (5) R. Simon ben Gamaliel; (6) R. Jochanan ben Zakkai. (Strack adds to this first generation [10–90] the Judges), (7) Admon, and (8) Hannan; (9) Nachum the Madaith; (10) Eliezer b. Jacob I; (11) Haninah b. Dosa; (12) Nechunyah b. Hakanah; and (13) Zadock.

Mielziner counts Adman, Hannan and Nachum of Madaith at the end of this paragraph, not numbering them among the first generation, so also he did with some others in the succeeding generations.

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* We do not understand very well what the learned Doctor Mielziner means by the word *prominent*, as it seems that the Tanaim whom he omitted were not less prominent than those whom he mentioned. On the contrary, some of them were even more prominent. We are sorry that our work was delayed until after the departure of the learned doctor, who was our friend and whose loss we greatly lament, so that we cannot ask him the reason as we always meant to do. (See our remarks further on.)

† Fuller characteristics of the lives and teachings of the principal Tanaim are given in the following works:

Graetz, "History of the Jews," Vol. IV.

Z. Frankel, "Darke Hamishna."

I. H. Weiss, "Zur Geschichte der juedischen Tradition," Vols. I. and II.

Jacob Bruell, "Mebo Hamishna," Vol. I.

J. Hamburger, "Real Encyclopaedie," Vol. II. "Die Talmudischen Artikel."

M. Braunschweiger, "Die Lehrer der Mishnah."

H. Strack, "Einleitung in den Talmud."

N. Perferkowitz, Talmud, Part I.

‡ This comparatively great length of the first generation is easily explained by the circumstance that it refers to the duration of the prevailing Schools of Shamai and Hillel, and not, as in the subsequent generations, to that of the activity of a single leading teacher.

Characteristics and Biographical Sketches.

1. *The School of Shamai* and *the School of Hillel* were founded by the disciples of the great teachers whose names they bear. Following the principles of their masters,* they differed widely in their opinions on many legal questions; the School of Shamai, in general, taking a rigorous, and the School of Hillel a more lenient view of the question. In their frequent controversies the School of Shamai, having been founded already during the lifetime of Hillel, is always mentioned first. Of individual teachers belonging to either of these two schools only a very few are occasionally mentioned by name. Both schools existed during the whole period of the first generation, and the antagonism of their followers extended even to the middle of the subsequent generation.

2. *Akabia ben Mahalalel.* Of this teacher who flourished shortly after Hillel only a few opinions and traditions are recorded. According to what is related of him in Mishna Eduyoth, V., 6, 7, he was a noble character with unyielding principles.

3. *Rabban Gamaliel the Elder.* He was a son of R. Simon, and grandson of Hillel, whom he succeeded in the office of Nasi. Many important ordinances (תקנות) of the Rabbinical law are ascribed to him. He died eighteen years before the destruction of Jerusalem. The epithet "the Elder" generally added to his name, is to distinguish him from his grandson Gamaliel of Jabne, who flourished in the following generation.

4. *Rabbi Chanina, Chief of the Priests*, or the proxy of the high-priest. He, as well as "the court of Priests," is incidentally mentioned in the Mishna in connection with laws concerning the sacrifices and the Temple service.

5. *R. Simon ben Gamaliel.* He was the son and successor of Rabban Gamaliel the Elder, and was executed by the Romans in the time of the destruction of Jerusalem. Belonging to the School of Hillel, his individual opinions in questions of law are but rarely recorded in the Mishna. He must not be

* Shamai and Hillel themselves differ in three questions only. (See Eduyoth, p. 5.) Their schools, however, differ in 316 Halakhas.

confounded with his grandson who had the same name and belonged to the fourth generation of Tanaim.

6. *R. Jochanan b. Zakkai.* This distinguished teacher was one of the youngest disciples of Hillel, occupied a high position already before the destruction of Jerusalem, and afterwards became the founder and head of the celebrated academy of Jabne (Jamnia).

Second Generation.

This generation lasted about forty years, from 80 to 120. The principal Tanaim belonging to it are:

(1) Rabban Gamaliel II., (of Jabne); (2) Rabbi Zadok; (3) R. Dosa (b. Harchinas); (4) R. Eliezer b. Jacob;* (5) R. Eliezer (b. Hyrkanos); (6) R. Joshua (b. Chanania); (7) R. Elazar b. Azaria; (8) Elasar b. Arach;† (9) R. Juda b. Bathyra. (According to Strack), (10) Papias; (11) Alazar b. Zadock; (12) Samuel the Little; (13) Nachum of Gimzu; (14) Ben Paturi; (15) Jose the Priest; (16) Elazar of Modium.

We refrain from giving the sketches of those who were added by Strack and others, as they would take up too much space. The reader who is interested in them can easily find them in the reference books pointed out by Strack, who gives to each of them the sources in the German language from which he draws.

Characteristics and Biographical Sketches.

1. *Rabban Gamaliel II.* He was a grandson of Gamaliel the Elder; after the death of R. Johanan b. Zakkai he became president of the academy of Jabne, and like his ancestors, he bore the title Nasi (Prince); with the Romans, Patriarch. In order to distinguish him from his grandfather, he received the surname *Gamaliel of Jabne*, or the Second.

2. *R. Zadok.* Of him it is related that he, in anticipation of the destruction of the Temple, fasted for forty successive

* Strack counts him and Zadok among the first generation.

† We have added him as his omission by Mielziner can be attributed only to forgetfulness as his preceeding sages were also disciples of R. Johanan b. Zakkai, and for the same reason we have added Papus, who was a contemporary of R. Aqiba and of whom the Talmud speaks highly.

years. He then removed to Jabne where he as well as his son, R. Eliezar b. Zadok, belonged to the distinguished teachers.

3. *R. Dosa b. Harchinas* belonged to the school of Hillel, and removed with R. Jochanan b. Zakkai from Jerusalem to Jabne, where he reached a very old age. He stood in such high esteem that his most distinguished colleagues appealed to his opinion in doubtful cases.

4. *R. Eliezer b. Jacob* was head of a school, and in possession of traditions concerning the structure and interior arrangements of the Temple. He is also mentioned with commendation as to his method of instruction, which was "concise and clear." There was also another Tana by a similar name who flourished in the fourth generation.

5. *R. Eliezer b. Hyrkanos*, in the Mishna called simply R. Eliezer, was one of the most distinguished disciples of R. Jochanan b. Zakkai, who characterized him as "the lime-cemented cistern that does not lose a drop." He was a faithful conservator of handed-down decisions and opposed to their slightest modification and to any new deductions to be made therefrom. His school was in Lydda, in South Judea. Though formerly a disciple of the Hillelites, he inclined to the views of the Shamaites and consequently came in conflict with his colleagues. Being persistent in his opinion, and conforming to it even in practice, he was excommunicated by his own brother-in-law, the patriarch Gamaliel II.

6. *R. Joshua b. Chanania*, in general called simply R. Joshua, was likewise one of the favored disciples of R. Jochanan b. Zakkai. Shortly before the destruction of the Temple he left Jerusalem with his teacher, after whose death he founded a separate school in *Bekiin*. As member of the Sanhedrin in Jabne, he participated conspicuously in its deliberations and debates. His discussions were mostly with *R. Eliezer*, to whose unyielding conservatism he formed a striking contrast, as he represented the more rational and conciliatory element of that generation, and combined with great learning the amiable virtues of gentleness, modesty and placability which characterized the Hillelites. As he, on several occasions, was humiliated by the Nasi Gamaliel II., with whom he differed on some questions, the members of the Sanhedrin resented this insult of their esteemed colleague by deposing the offender from his

dignity and electing another president. It was only through the interference of the appeased R. Joshua that R. Gamaliel, who apologized for his conduct, was again restored to his office.

7. *R. Elazar b. Azaria* descended from a noble family whose pedigree was traced up to Ezra the Scribe. Already while a young man, he enjoyed such a reputation for his great learning that he was made president of the academy at Jabne in place of the deposed R. Gamaliel. When the latter was reinstated, R. Elazar was appointed as vice-president. His controversies were mostly with R. Joshua, R. Tarphon, R. Ishmael and R. Akiba. On account of the noble virtues which he combined with his great learning he was compared to "a vessel filled with aromatic spices," and R. Joshua said of him: "a generation having a man like R. Elazar b. Azaria, is not orphaned."

8. *Elazar b. Arach*, of whom it is said (Aboth, p. 61), "If all the wise of Israel were in a scale of the balance and Eliezer b. Hyrkanos with them, and Elazar b. Arach in the other scale, he would outweigh them all."

9. *R. Juda b. Bathyra* had a school in *Nisibis* (in Assyria), already at the time when the Temple of Jerusalem was still in existence. He was probably a descendant of the family Bene Bathyra, who were leaders of the Sanhedrin under King Herod, and who resigned that office in favor of Hillel. Several other Tanaim had the same family name, as R. Joshua b. Bathyra, R. Simon b. Bathyra and one called simply Ben Bathyra.

Third Generation.

Several Teachers of the third generation, which lasted from the year 120 till about 139 (130–160, Strack), flourished already in the preceding one. The principal teachers are:

(1) R. Tarphon; (2) R. Ishmael; (3) R. Aqiba; (4) R. Jochanan b. Nuri; (5) R. Jose the Galilean; (6) R. Simon b. Nanos; (7) R. Juda b. Baba; (8) R. Jochanan b. Broka. Strack counts all the above-mentioned in the second generation, with the addition of, (9) Papus b. Jehuda; (10) Elazar b. Chasma; (11) Jose of Damascus; (12) Hananya b. Trodyan; (13) Jos b. Kisma; (14) Elazar b. Parta; (15) Simeon b. Azai; (16) Simeon b. Zoma; (17) Elisha b. Abuyah; (18) Chaninah b. Gamaliel; (19) Chaninah b. Antigonos; (20) Elazar of Bartu-

tha; (21) Simeon of Taimon; (22) Chananiah, the son of Jechosua's brother; (23) Jehuda b. Buthyra; (24) Matyah b. Cheris;* (25) Chittkah; (26) Simeon the Shakmone; (27) Chananiah b. Chakniel.

Characteristics and Biographical Sketches.

1. *R. Tarphon*, or Tryphon, of Lydda. He is said to have been inclined to the views of the School of Shamai. On account of his great learning he was called "the teacher of Israel"; besides, he was praised for his great charitable works. His legal discussions were mostly with his colleague R. Akiba.

2. *R. Ishmael* (b. Elisha) was probably a grandson of the high-priest Ishmael b. Elisha who was condemned to death by Titus, together with the patriarch Simon b. Gamaliel I. When still a boy, he was made a captive and brought to Rome, where R. Joshua who happened to come there on a mission, redeemed him at a high ransom and brought him back to Palestine. R. Nechunia b. Hakana is mentioned as one of his principal teachers. When grown to manhood, he became a member of the Sanhedrin and was highly revered by his colleagues. He is named among those who emigrated with the Sanhedrin from *Jabne* to *Usha*. His residence was in South Judea in a place called Kephar Aziz. His academical controversies were mostly with R. Akiba, to whose artificial methods of interpreting the law he was strongly opposed, on the principle that the Torah, being composed in the usual language of man, must be interpreted in a plain and rational way. As guiding rules of interpretation he accepted only the seven logical rules which had been laid down by Hillel, which he, however, by some modifications and subdivisions, enlarged to thirteen. A separate school which he founded was continued after his death by his disciples and was known by the name of "Be R. Ishmael." Of the book *Mechilta* which is ascribed to R. Ishmael.

3. *R. Aqiba* (b. Joseph) was the most prominent among the Tanaim. He is said to have descended from a proselyte family, and to have been altogether illiterate up to the age of his manhood. Filled with the desire to acquire the knowledge

* 22, 23 and 24 were out of Palestine.

of the law, he entered a school and attended the lectures of the distinguished teachers of that time, especially of R. Eliezer b. Hyrkanos, R. Joshua b. Chanania, and of Nachum of Gimzu. Subsequently he founded a school in B'ne Brak, near Jabne, and became a member of the Sanhedrin in the last-mentioned city. Through his keen intellect, his vast learning and his energetic activity he wielded a great influence in developing and diffusing the traditional law. He arranged the accumulated material of that law in a proper system and methodical order, and enriched its substance with many valuable deductions of his own. His methodical arrangement and division of that material was completed by his disciple R. Meir, and later on became the groundwork of the Mishna compiled by R. Jehuda Hanasi. Besides, he introduced a new method of interpreting the Scriptures, which enabled him to find a biblical basis for almost every provision of the oral law. This ingenious method was admired by his contemporaries, and notwithstanding the opposition of some of his colleagues, generally adopted in addition to the thirteen hermeneutic rules of R. Ishmael. R. Akiba's legal opinions are very frequently recorded in all parts of the Mishna and in the kindred works. His academical discussions are mostly with his former teachers, R. Eliezer, R. Joshua, and with his colleagues, R. Tarphon, R. Jochanan b. Nuri, R. Jose the Galilean and others.

R. Akiba died a martyr to religion and patriotism. Having been a stout supporter of the cause of Bar Cochba, he was cruelly executed by the Romans for publicly teaching the Law, contrary to the edict of the emperor Hadrian. (See Aboth, p. 28.)

4. *R. Jochanan b. Nuri* was a colleague of R. Akiba, with whom he frequently differed on questions of the law. In his youth he seems to have been a disciple of R. Gamaliel II., for whose memory he always retained a warm veneration. He presided over a college in Beth Shearim, a place near Sepphoris in Galilee.

5. *R. Jose the Galilean* was a very distinguished teacher. Of his youth and education nothing is known. At his first appearance in the Sanhedrin of Jabne, he participated in a debate with R. Tarphon and with R. Akiba, and displayed such great learning and sagacity that he attracted general

attention. From this debate his reputation as a teacher was established. He was an authority especially in the laws concerning the sacrifices and the Temple service. His discussions were mostly with R. Akiba, R. Tarphon, and R. Elazar b. Azariah. Of his domestic life it is related that he had the bad fortune of having an ill-tempered wife, who treated him so meanly that he was compelled to divorce her, but learning that she in her second marriage lived in great misery, he generously provided her and her husband with all the necessaries of life. One of his sons, R. Eleazar b. R. Jose the Galilean, became a distinguished teacher in the following generation and established the thirty-two hermeneutic rules of the Hagada.

6. *R. Simon b. Nanos*, also called simply Ben Nanos, was a great authority especially in the civil law, so that R. Ishmael recommended to all law students to attend the lectures of this profound teacher. His legal controversies were mostly with R. Ishmael and R. Akiba.

7. *R. Judah b. Baba*, who on account of his piety was called the *Chasid*, is noteworthy not only as a distinguished teacher, but also as a martyr to Judaism. Contrary to the Hadrianic edict which, under extreme penalty, prohibited the ordination of teachers, he ordained seven * disciples of R. Akiba as Rabbis, and for this act was stabbed to death by the Roman soldiers.

8. *R. Jochanan b. Broka* was an authority especially in the civil law. Also his son R. Ishmael was a distinguished teacher who flourished in the following generation.

Fourth Generation.

This generation extended from the death of R. Akiba to the death of the patriarch R. Simon b. Gamaliel II., from the year 139 to about 165. Almost all leading teachers of this generation belong to the latter disciples of R. Akiba.

(1) R. Meir; (2) R. Jehuda (ben Ilai); (3) R. Jose (ben Chalafta); (4) R. Simon (b. Jochai); (5) R. Elazar (b. Shamua); (6) R. Jochanan the Sandelar; (7) R. Elazar b. Jacob; (8) R. Nehemia; (9) R. Joshua b. Korcha; (10) R. Simon b. Gamaliel. Strack counts all of them in the third generation, and adds, (11) Elazar b. Jose the Galilean; (12)

* We are aware only of six mentioned in vol. i., p. 11.

Ishmael b. Jochanan b. Beroka; (13) Abba Schaul; (14) Chananiah b. Akiba; (15) Chananiah b. Akashya; (16) Jose b. Akabyah; (17) Issi b. Jehuda; (18) Nehuraye; (19) Abba Jos b. Dusthai.

Characteristics and Biographical Sketches.

1. *R. Meir*, the most prominent among the numerous disciples of R. Akiba, was a native of Asia Minor and gained a subsistence as a skilful copyist of sacred Scripture. At first, he entered the academy of R. Akiba, but finding himself not sufficiently prepared to grasp the lectures of this great teacher, he attended, for some time, the school of R. Ishmael, where he acquired an extensive knowledge of the law. Returning then to R. Akiba and becoming his constant and favored disciple, he developed great dialectical powers. R. Akiba soon recognized his worth and preferred him to other disciples by ordaining him at an early date. This ordination was later renewed by R. Judah b. Baba. On account of the Hadrianic persecutions, R. Meir had to flee from Judea, but after the repeal of those edicts, he returned and joined his colleagues in reëstablishing the Sanhedrin in the city of Usha, in Galilee. His academy was in Emmaus, near Tiberias, and for a time also in Ardiscus, near Damascus, where a large circle of disciples gathered around him. Under the patriarch R. Simon b. Gamaliel II., he occupied the dignity of a *Chacham* (advising Sage), in which office he was charged with the duty of preparing the subjects to be discussed in the Sanhedrin. A conflict which arose between him and the patriarch seems to have induced him to leave Palestine and return to his native country, Asia Minor, where he died. R. Meir's legal opinions are mentioned almost in every Masechta of the Mishna and Boraitha. His greatest merit was that he continued the labors of R. Akiba in arranging the rich material of the oral law according to subjects, and in this way prepared the great Mishna compilation of R. Judah Hanasi. Besides being one of the most distinguished teachers of the law, he was also a very popular lecturer (Hagadist), who used to illustrate his lectures by interesting fables and parables. Of his domestic life it is known that he was married to Beruria, the learned daughter of the

celebrated teacher and martyr R. Chananiah b. Teradyon. The pious resignation which he and his noble wife exhibited at the sudden death of their two promising sons has been immortalized by a popular legend in the Midrash.

2. *R. Jehuda b. Ilai* is generally called in the Mishna simply R. Jehuda. After having received instruction in the law from his father, who had been a disciple of R. Eliezer b. Hyrkanos, he attended the lectures of R. Tarphon, and became then one of the distinguished disciples of R. Akiba. On account of his great eloquence he is called, "The first among the speakers." Also his piety, modesty and prudence are highly praised. He gained a modest subsistence by a mechanical trade, in accordance with his favored maxims: "Labor honors man," and "He who does not teach his son a trade, teaches him, as it were, robbery." Having been one of the seven disciples who after the death of R. Akiba were ordained by R. Juda b. Baba contrary to the Hadrianic edict, he had to flee. After three years he returned with his colleagues to Usha and became one of the prominent members of the resuscitated Sanhedrin. The patriarch R. Simon ben Gamaliel honored him greatly, and appointed him as one of his advisers. As expounder of the law he was a great authority, and is very often quoted in all parts of the Mishna and Boraitha. His legal opinions generally prevail, when differing from those of his colleagues R. Meir and R. Simon. To him is also ascribed the authorship of the essential part of the Siphra. The Hagada of the Talmud records many of his beautiful sayings, which characterize him not only as a noble-hearted teacher, but also as a sound and clear-headed interpreter of Scriptures. He, for instance, denied the literal meaning of the resurrection of the dead bones spoken of in Ezekiel, ch. XXXVII., but declared it to be merely a poetical figure for Israel's rejuvenation. (Sanhedrin, p. 278.)

R. Jehuda had two learned sons who flourished as teachers in the following generation.

3. *R. Jose b. Chalafta*, in the Mishna called simply R. Jose, was from *Sepphoris*, where already his learned father had established a school. Though by trade a tanner, he became one of the most distinguished teachers of his time. He was a disciple of R. Akiba and of R. Tarphon. Like his colleagues he was ordained by R. Juda b. Baba, and on this account had

to flee to the south of Palestine, whence he later on returned with them to Usha. For having kept silent when in his presence R. Simon made a slighting remark against the Roman government, he was banished to Asia Minor. When permitted to return, he settled in his native city, Sepphoris, where he died at an advanced age. Besides being a great authority in the law, whose opinions prevail against those of his colleagues R. Meir, R. Jehuda and R. Simon, he was an historian to whom the authorship of the chronological book *Seder Olam* is ascribed.

4. *R. Simon b. Jochai* from Galilee, in the Mishna called simply R. Simon, was likewise one of the most distinguished disciples of R. Akiba, whose lectures he attended during thirteen years. "Be satisfied that I and thy creator know thy powers," were the words with which this teacher comforted him, when he felt somewhat slighted on account of a certain preference given to his younger colleague R. Meir. He shared the fate of his colleagues in being compelled to flee after ordination. Afterwards, he joined them at the new seat of the Sanhedrin in Usha. On a certain occasion he gave vent to his bitter feeling against the Romans, which was reported to the Roman governor, who condemned him to death. He, however, escaped this fate by concealing himself in a cave, where he is said to have remained for several years, together with his son, engaged in the study of the law, and subsisting on the fruit of the carob-trees which abounded there in the neighborhood. In the meantime political affairs had taken a favorable turn, so that he had no longer to fear any persecution; he left his hiding place and reopened his academy at *Tekoa*, in Galilee, where a circle of disciples gathered around him. He survived all his colleagues, and in his old age was delegated to Rome, where he succeeded in obtaining from the emperor (Marcus Aurelius) the repeal of some edicts against the Jewish religion.

In the interpretation of the law, R. Simon departed from the method of his teacher R. Akiba, as he inclined to the view of R. Ishmael that "the Torah speaks the common language of man," and consequently regarded logical reasoning as the proper starting point for legal deductions, instead of pleonastic words, syllables and letters. In accordance with this sound principle, he tried to investigate the evident motive of different biblical laws, and to make conclusions therefrom for their

proper application. In regard to treating and arranging the oral law, however, he followed the method of R. Akiba in subsuming various provisions under guiding rules and principles. R. Simon is regarded as the author of the *Siphre*, though that work in its present shape shows many additions by the hands of later authorities.*

5. *R. Elazar b. Shamua*, in the Mishna simply *R. Elazar*, was among those of R. Akiba's disciples who in consequence of the Hadrian edicts went to the South, whence he went to Nisibis. He does not, however, appear to have joined his colleagues when they gathered again at Usha. He is regarded as a great authority in the law. The place of his academy is not known, but it is stated that his school was always overcrowded by disciples eager to hear his learned lectures. Among his disciples was also the later patriarch R. Jehuda. On a journey, he visited his former colleague R. Meir at Ardiscos, in Asia Minor, and with him had discussions on important questions of the law, which are recorded in the Mishna and Boraitha.

6. *R. Jochanan the Sandelar* had this surname probably from his trade in sandals. Born in Alexandria in Egypt, he came to Palestine to attend the lectures of R. Akiba, and was so faithful a disciple that he visited this teacher even in prison, in order to receive instruction from him. His legal opinions are occasionally recorded in the Mishna as well as in the Tosephta and Boraitha.

7. *R. Elazar* (or Eliezer) *b. Jacob* was a disciple of R. Akiba and later a member of the Sanhedrin in Usha. This teacher must not be confounded with a former teacher by that name who flourished in the second generation.

8. *R. Nechemia* belonged to the last disciples of R. Akiba and was an authority especially in the sacrificial law, and in laws concerning levitical purification. His controversies are mostly with R. Juda b. Ilai. He is said to have compiled a Mishna collection which was embodied in the Tosephta.

9. *R. Joshua b. Korcha* is supposed by some to have been a son of R. Akiba, who, on one occasion, is called by such a sur-

* The Cabbalists ascribe to him the compiling of the Zohar, which was revealed by Moses d' Leon. The Talmud also speaks of him as the one to whom miracles occurred frequently.

name (meaning the bald head); but this supposition is very improbable, for it would be strange that the son of so illustrious a man should not rather have been called by his father's proper name, and that he should never have alluded to his celebrated parent or to any of his teachings.*

R. Joshua b. K. belonged to the authorities of this generation, though only a few of his opinions are recorded in the Mishna.

10. *R. Simon b. Gamaliel* was the son and successor of the patriarch Gamaliel II. of Jabne. In his youth, he witnessed the fall of Bethar, and escaped the threatened arrest by flight. After the death of the emperor Hadrian, he returned to Jabne where he, in connection with some teachers, reopened an academy, and assumed the hereditary dignity of a patriarch. As the returning disciples of R. Akiba, who were the leading teachers of that generation, preferred Usha as the seat of the new Sanhedrin, R. Simon was obliged to transfer his academy to that city, and appointed R. Nathan as Ab Beth-din (vice-president), and R. Meir as Chacham (advising sage, or speaker). Both of these officers had to retire however, when found planning his deposal on account of some marks of distinction introduced in order to raise the patriarchal dignity. He did not enjoy the privilege of his predecessors to be titled *Rabban* (our teacher), but like the other teachers, he was simply called Rabbi (my teacher),† probably because many of his contemporaries were superior to him in learning. Still, his legal opinions, which are frequently quoted in the Mishna and Boraitha, give evidence that he was a man of considerable learning and of sound and clear judgment as well as of noble principles. He introduced several legal provisions for the protection of the rights of women and slaves, and for the general welfare of the community. All his opinions expressed in the Mishna, with the exception of only three cases, are regarded by later teachers as authoritative (Halakha). His discussions recorded in the Mishna and Boraitha are mostly

* That R. Akiba had a son by the name of R. Joshua is stated in a Boraitha; but the identity of this son with R. Joshua b. Korcha is conclusively disproved by the Tosaphist Rabenu Tam in his remarks on Sabbath 150a, and B. Bathra 113a.

† There are, however, some passages in the Mishna and Gemara in which he is called Rabban.

held with his celebrated son, R. Jehuda Hanasi. R. Simon b. Gamaliel appears to have been acquainted also with the Greek language and sciences.

Apart from the great circle of teachers mentioned above, the disciples of R. Ishmael b. Elisha formed a school in the extreme South of Judea (Darom), where they continued the methods of their teacher. Of this separate school, called *Debe R. Ishmael*, only two members are mentioned by name: *R. Josiah* and *R. Jonathan.*

Fifth Generation.

This generation extends from the death of R. Simon b. Gamaliel II., to the death of R. Jehuda Hanasi (from 165 to about 200).

The following are the most prominent teachers of this generation:

(1) R. Nathan (the Babylonian); (2) Symmachos; (3) R. Jehuda Hanasi (the Patriarch), called simply Rabbi; (4) R. Jose b. Juda; (5) R. Elazar b. Simon; (6) R. Simon b. Elazar. Strack places these in the fourth generation and adds (7) Dustayi b. Janai; (8) Simeon b. Jehuda, of the village Akum; (9) Achia b. Joashai; (10) Jacob; (11) Itzchok; (12) Eliezar b. Simeon b. Johai; (13) Pinchas b. Jaier; (14) Ischmael b. Jos; (15) Menachem b. Jos (b. Chialaphta); (16) Jehudah b. Lakish; (17) Elazar Charkaper; (18) Abba Elazar b. Gamla; (19) Simon b. Jos b. Lecunia; (20) Simon b. Menascha; (21) Jehudah b. Tamah.

The junior sages of the fifth generation Strack quotes thus: (1) Hyye Rabbi (the Great); (2) Eliezer b. Kappara; (3) Simeon b. 'Halafta; (4) Lewi b. Sissi; (5) Simai.

Both Mielziner and Strack do not count Simon Shezurri, one of the great Tanaim who belongs to the third generation, and who is mentioned in the Mishna several times, and of whom it is said (Menachoth, 30 b), "Everywhere the name of Simeon Shezurri is mentioned, the Halakha prevails in accordance with him." We would also count Wradimus b. R. Jose though according to some he was identical with Menachem, and who was one of the greatest Tanaim in the time of Rabbi. (See I. H. Weiss, p. 166.) [See Appendix No. I.] His father,

R. Jose, quotes him as the author of a Halakha (Tosephtha, Baba Metzia).

Characteristics and Biographical Sketches.

1. *R. Nathan* was the son of one of the exilarchs in Babylon, and probably received his education in his native country. For some unknown reasons he emigrated to Judea, and on account of his great learning he was appointed by the patriarch, R. Simon b. Gamaliel, to the dignity of Ab-Beth-din (chief Justice or vice-president), in the Sanhedrin of Usha. He had to retire from this office because of his and R. Meir's dissension with the patriarch, but was soon reinstated and became reconciled with the Synhedrial president, who held him in high esteem. Also the suceeding patriarch, R. Jehuda, with whom he had many discussions on questions of the law, speaks of him with great respect. R. Nathan was not only an authority in the rabbinical law, especially in jurisprudence, but appears also to have been well versed in mathematics, astronomy and other sciences. To him is ascribed the authorship of Aboth de R. Nathan, which is a kind of Tosephta to Pirke Aboth.

2. *Symmachos* was a prominent disciple of R. Meir and distinguished for his great dialectical powers. After the death of his teacher, he as well as other disciples of R. Meir were excluded from the academy of R. Jehuda Hanasi, as they were charged with indulging in sophistical disputations in order to display their dialectical sagacity, instead of seeking after truth. Nevertheless the Mishna as well as the Tosephta makes mention of the opinions of Symmachos. His renown lay in the rabbinical jurisprudence, in which he laid down certain principles often referred to in the Talmud.

3. *R. Jehuda (Juda) Hanasi*, by way of eminence simply called *Rabbi*, was a son of the patriarch R. Simon b. Gamaliel II., and is said to have been born on the same day when R. Akiba was executed. His principal teachers were R. Simon b. Jochai and R. Elazar b. Shamua, under whose guidance his intellectual capacity and splendid talents early developed. Besides his immense knowledge of the whole range of the traditional law, he had a liberal education in secular branches and was especially acquainted with the Greek language, which he

preferred to the Syriac, the popular language of Palestine at that time. After the death of his father he succeeded him in the dignity of patriarch, and became the chief authority, eclipsing all other teachers of that generation. Though blessed with great riches, he preferred to live in a simple style and applied his wealth to the maintenance of his numerous pupils and to charitable works. The seat of his academy was first at Beth-Shearim, afterward at Sepphoris, and also at Tiberias. Among his most distinguished disciples were: R. Chiya; (Simon) bar Kappara; Levi bar Sissi; R. Abba Areca, later called Rab; Mar Samuel, and many others. He is said to have been in a friendly relation with one of the Roman emperors, either Marcus Aurelius, or more probably, Lucius Verus Antoninus. By virtue of his authority R. Jehuda abolished several customs and ceremonies which, though sanctified by age, had become impracticable through the change of times and circumstances. His most meritorious work, by which he erected for himself a monument of enduring fame, was the completion of the Mishna compilation which henceforth became the authoritative code of the traditional law and superseded all similar compilations made by former teachers.

4. *R. Jose ben Juda* (b. Ilai) belonged to the great teachers of that generation and was a friend of R. Jehuda Hanasi. His legal opinions are frequently recorded in the Mishna as well as in the Tosephta.

5. *R. Elazar b. Simon* (b. Jochai) was a disciple of R. Simon b. Gamaliel and of R. Joshua b. Korcha. Although an authority in the rabbinical law to whom even the patriarch sometimes yielded, he incurred the severest censure of his colleagues for having, on a certain occasion, lent his assistance to the Romans in prosecuting some Jewish freebooters.

6. *R. Simon b. Elazar* (probably E. b. Shamua), was a disciple of R. Meir, whose opinions he often quotes. He established several important principles, especially in the civil law.

Sixth Generation.

To this generation belong the younger contemporaries and disciples of R. Juda Hanasi. They are not mentioned in the Mishna, but in the Tosephta and Boraitha, and are therefore

termed semi-Tanaim, who form a connecting link between the period of Tanaim and that of the Amoraim. Their names are:

(1) Plimo; (2) Ise b. Juda; (3) R. Elazar b. Jose; (4) R. Ishmael bar Jose; (5) R. Juda b. Lakish; (6) R. Chiya; (7) R. Acha; (8) R. Abba (Areca).

There is no sixth generation according to Strack, and all who are mentioned here he includes in the fifth generation. We have to remark that all the eight mentioned above by Mielziner, as they formed the last generation of the Tanaim, are also named Amoraim; and therefore we find stated in many places in the Talmud where one of the above-mentioned is in conflict with a Mishna or a Boraitha: "He is a Tana, and has the right to differ with the authorities of the Mishna or the Boraitha."

The most prominent among these semi-Tanaim were R. Chiya and R. Abba (Areca).

1. *R. Chiya* (bar Abba) the elder, which epithet is to distinguish him from a later Amora by the same name, was a Babylonian who came at an already advanced age to Palestine, where he became the most distinguished disciple and friend of R. Jehuda Hanasi. He and his disciple R. Oshaya (or Hoshaya) are regarded as the principal authors or compilers of the Tosephta.

2. *R. Abba* (Areca) a nephew of R. Chiya, was likewise a Babylonian, and a disciple of R. Jehuda Hanasi, after whose death he returned to his native country, where, under the historical name of Rab, he became the principal Amora. (See the following chapter.)

Of other distinguished teachers flourishing in this generation and in the beginning of the period of the Amoraim, we have to mention especially *R. Janai* (the elder), and *R. Jonathan* (the elder). The former lived in Sepphoris and was one of the teachers of R. Jochanan bar Naphacha, the greatest among the Palestinian Amoraim.

CHAPTER III.

THE AMORAIM OR EXPOUNDERS OF THE MISHNA.

As the Mishna compilation of R. Jehuda Hanasi became the authoritative code of the oral Law, the activity of the

teachers was principally devoted to expounding this code. This was done as well in the academies of *Tiberias*, *Sepphoris*, *Cæsarea* in Palestine, as in those of *Nahardea*, *Sura*, and later of *Pumbaditha* and some other seats of learning in Babylonia. The main object of the lectures and discussions in those academies was to interpret the often very brief and concise expression of the Mishna, to investigate its reasons and sources, to reconcile seeming contradictions, to compare its canons with those of the Boraithoth, and to apply its decisions and established principles to new cases not yet provided for. The teachers who were engaged in this work, which finally became embodied in the Gemara, are called *Amoraim*, meaning speakers, interpreters, expounders.* They were not as independent in their legal opinions and decisions as their predecessors, the Tanaim and semi-Tanaim, as they had not the authority to contradict Halakhoth and principles accepted in the Mishna or Boraitha. The Palestinian Amoraim, having generally been ordained by the Nasi, had the title of *Rabbi*, while the Babylonian teachers of that period had only the title of *Rab* or of *Mar*.

The period of Amoraim extends from the death of R. Jehuda Hanasi to the compilation of the Babylonian Talmud; that is, from the beginning of the third to the end of the fifth century. This period has been divided by some into six, by others into seven, minor periods or generations, which are determined by the beginning and the end of the activity of the most prominent teachers flourishing during that time.

The number of Amoraim who are mentioned in the Talmud amounts to several hundreds. The most distinguished among them, especially those who presided over the great academies,

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* In a more restricted meaning the term *Amora* (from אמר, to say, to speak) signifies the same as *Methurgeman* (the interpreter), that is, the officer in the academies who, standing at the side of the lecturer or presiding teacher, had to announce loudly and explain to the large assembly what the teacher just expressed briefly and in a low voice.

The term *Tana*, which generally applies only to the teachers mentioned in the Mishna and Boraitha, is in the period of Amoraim sometimes used also to signify one whose special business it was to recite the memorized Boraithoth to the expounding teachers. In this sense the term is to be understood in the phrase: A Tana (teacher) repeated a Boraitha (or taught same) before so and so, etc.

are contained in the following chronological tables of the six generations of Amoraim.*

THE FIRST GENERATION OF AMORAIM.

A. Palestinian (219–279).	B. Babylonian (219–257).
1. R. Chanina bar Chama.	1. Abba Areca, called simply Rab.
2. R. Jochanan (bar Napacha).	2. (Mar) Samuel.
3. R. Simon ben Lakish (Resh Lakish).	
4. R. Joshua ben Levi.	

Strack adds to the first generation of the Palestinian, (5) Hama b. Biza; (6) Janai; (7) Jehuda; and (8) Hiskiah sons of Hyye; (9) Bnya or Bnaah; (10) Pdaya or Jehuda b. Pdaya; (11) Hoshia b. Hanninah b. Biza, named Rabbh the Great; (12) Jose b. Zimra; (13) Simon b. Yehozodak.

To the Babylonian Amoraim he adds, (3) Shila; (4) Abba b. Abba (father of Mar Samuel); (5) Karna †; (6) Mar Uqba (the Exilarch).

All the Palestinian Amoraim named here are very often mentioned in the Babylonian Talmud, and as their biographical sketches are interesting we could not omit them.

Biographical Sketches.

A. PALESTINIAN AMORAIM.

During this generation R. Gamaliel III. and R. Judah II. were successively the patriarchs.

1. *R. Chanina bar Chama* (born about 180, died 260), was a disciple of R. Jehuda Hanasi, whose son and successor, R. Gamaliel III., bestowed on him the title of Rabbi. He then presided over his own academy in Sepphoris and stood in high regard on account of his learning, modesty and piety. As

* Some scholars count the semi-Tanaim as the first generation, and have consequently seven instead of six generations. The period of Palestinian Amoraim being much shorter than that of the Babylonian, ends with the third generation of the latter. Frankel in his introduction to the Palestinian Talmud, treating especially of the Palestinian Amoraim, divides them also into six generations.

† Who was appointed by Mar Samuel to examine Rab. (Will be translated in Tract Kethubath.)

teacher he was very conservative, transmitting that only which he had received by tradition, without ever allowing himself an independent decision. Of his prominent contemporaries are: *R. Ephes*, who reopened a school at Lydda, in South Judea; *Levi b. Sissi* (called simply Levi), who, though not presiding over an academy, was a distinguished teacher, and later emigrated to Babylonia; further *Chizkia*, who was a son of R. Chiya the Elder, and whose teachings are frequently quoted in the Talmud. This Chizkia, who had not the title of Rabbi, must not be mistaken for R. Chizkia, who belonged to the third generation.

2. *R. Jochanan* bar Napacha, in general called simply R. Jochanan (born about 199, died 279), was in his early youth a disciple of R. Jehuda Hanasi, later of R. Oshaya in Cæsarea, also of R. Janai, and especially of R. Chanina b. Chama. He then founded his own academy in Tiberias, which henceforth became the principal seat of learning in the Holy Land. By his great mental powers he excelled all his contemporaries, and is regarded the chief Amora of Palestine. In expounding the Mishna he introduced an analytical method, and laid down certain rules for the final decision in such cases in which the Tanaim expressed opposite opinions. His legal teachings, ethical aphorisms, and exegetical remarks, transmitted by his numerous disciples, form the principal elements of the Gemara. He is supposed to have laid the foundation of the Palestinian Talmud, though, in its present shape, this work can not have been compiled before at least one century after R. Jochanan's death.*

3. *R. Simon b. Lakish*, whose name is generally abbreviated to Resh Lakish, was a man who combined great physical strength with a noble heart and a powerful mind. It is said that in his youth he was compelled by circumstances to gain his livelihood as a gladiator or soldier, until making the acquaintance of R. Jochanan, who gained him for the study of the law and gave him his sister in marriage. Having developed

* As to further characteristics of this and the other prominent Amoraim, the following works may be consulted: Graetz, "History of the Jews," Vol. IV.; Z. Frankel, "Mebo"; I. H. Weiss, "Dor Dor," Vol. III.; I. Hamburger, "Real Encyclopädie," Vol. II. Besides, J. Fürst, "Kultur und Literaturgeschichte der Juden in Asien," which treats especially of the Babylonian academies and teachers during the period of the Amoraim.

extraordinary mental and dialectical powers, he became R. Jochanan's most distinguished friend and colleague. In the interpretation of the Mishna and in legal questions they differed, however, very often, and their numerous controversies are reported in the Babylonian Talmud as well as in the Palestinian. Also is his Hagadic teachings, Resh Lakish was original and advanced some very rational views.

4. *R. Joshua b. Levi* (ben Sissi) presided over an academy in Lydda. He is regarded as a great authority in the law, and his decisions prevail even in cases where his celebrated contemporaries, R. Jochanan and Resh Lakish differ from him. Though himself a prolific Hagadist, he disapproved of the vagaries of the Hagada, and objected to their being written down in books. The circumstance that, on a certain occasion, his prayer for rain proved to be efficient, probably gave rise to the mystic legends with which the fancy of later generations tried to illustrate his great piety.

To other celebrities flourishing in this generation belongs R. *Simlai* of Lydda, who later settled in Nahardea. He was reputed less as teacher of the Halakha than for his ingenious and lucid method of treating the Hagada.

B. BABYLONIAN AMORAIM.

1. *Abba Areca* (or Aricha) was the real name of the chief Babylonian Amora, who, by way of eminence, is generally called *Rab* (the Teacher). He was born about 175 and died 247. As an orphaned youth he went to his uncle, the celebrated R. Chiya in Palestine, to finish his studies in the academy of R. Jehuda Hanasi. The mental abilities which he displayed soon attracted general attention. After the death of R. Jehuda, Abba returned to his native country, and in the year 219 founded the academy in Sura, where 1,200 pupils flocked around him from all parts of Babylonia. His authority was recognized even by the most celebrated teachers in Palestine. Being regarded as one of the semi-Tanaim, he ventured in some instances even to dispute some opinions accepted in the Mishna, a privilege otherwise not accorded to any of the Amoraim. Most of his decisions, especially in ritual questions, obtained legal sanction, but in the civil law his

friend Samuel in Nahardea was his superior. Over one hundred of his numerous disciples, who transmitted his teachings and decisions to later generations, are mentioned in the Talmud by their names.

2. *Samuel*, or Mar Samuel, was born about 180 in Nahardea, died there 257. His father, Abba bar Abba, and Levi b. Sissi were his first teachers. Like Rab he went to Palestine and became a disciple of Rabbi Jehuda Hanasi, from whom, however, he could not obtain the ordination. After his return to Nahardea, he succeeded R. Shela in the dignity of president of the academy (Resh-Sidra) in that city. Besides the law, he cultivated the sciences of medicine and astronomy. As Amora he developed especially the rabbinical jurisprudence, in which he was regarded as the greatest authority.* Among other important principles established by him is that of "*Dina d'malchutha Dina*," that is, the civil law of the government is as valid for the Jews as their own law. The most friendly and brotherly relation prevailed between Samuel and Rab, although they often differed in questions of the law. After Rab's death (247), his disciples recognized Samuel as the highest religious authority of Babylonia. He died about ten years later, leaving behind numerous disciples, several of whom became the leading teachers in the following generation.

A distinguished contemporary of Samuel was *Mar Uqba*, at first head of the court in Kafri, and later Exilarch in Nahardea.

The Second Generation of Amoraim.

A. Palestinian (279–320).	B. Babylonian (257–320).
1. R. Elazar b. Pedath.	1. Rab Huna.
2. R. Ame.	2. Rab Juda bar Jecheskel.
3. R. Assi.	3. Rab Chisda (or Chasda).
4. R. Chiya bar Abba.	4. Rab Shesheth.
5. Simon bar Abba.	5. Rab Nachman b. Jacob.
6. R. Abbuhu.	
7. R. Zera (Zeira).	

To the second generation of the Palestinian, Strack adds, (8) Jehudah the Second (son of Gamalia III.), (Johanan and

* Mar Samuel made also a compilation of Boraithoth, which is quoted in the Talmud by the phrase "the disciples of Samuel."

Simon b. Lakish Strack refers to the second generation); (9) Hilfa or Ilfa; (10) Alexanderi; (11) Khana; (12) Chia bar Joseph; (13) Jos b. Chaninah; (14) Abba b. Zabdah, and (15) Simlaie.

To the Babylonian Strack adds, (6) Ktinah; (7) Adda b. Ahba; (8) Rabba b. Abuhu, and (9) Mathna.

Remarks and Biographical Sketches.

A. PALESTINIAN AMORAIM.

The patriarchate during this generation was successively in the hands of R. Gamaliel IV., and R. Judah III.

1. *R. Elazar ben Pedath*, generally called simply R. Elazar, like the Tana R. Elazar (ben Shamua), for whom he must not be mistaken, was a native of Babylonia, and a disciple and later an associate of R. Jochanan, whom he survived. He enjoyed great authority and is very often quoted in the Talmud.

2. and 3. *R. Ame* and *R. Assi* were likewise Babylonians, and distinguished disciples of R. Jochanan. After the death of R. Elazar they became the heads of the declining academy in Tiberias. They had the title only of "Judges, or the Aaronites of the Holy Land," and subordinated themselves to the growing authority of the teachers in Babylonia. Rabbi Assi is not to be confounded with his contemporary the Babylonian Amora Rab Assi, who was a colleague of Rab Saphra and a disciple of Rab in Sura.*

4. and 5. *R. Chiya bar Abba* and *Simon bar Abba* were probably brothers. They had emigrated from Babylonia and became disciples of R. Jochanan. Both were distinguished teachers, but very poor. In questions of the law they were inclined to rigorous views.

6. *R. Abbahu* of Cæsarea, disciple of R. Jochanan, friend and colleague of R. Ame and R. Assi, was a man of great wealth and of a liberal education. He had a thorough knowledge of the Greek language, and favored Greek culture. Being held in high esteem by the Roman authorities, he had great political influence. He seems to have had frequent controversies with the teachers of Christianity in Cæsarea. Besides being a

* See Tosephoth Chullin, 19a.

prominent teacher whose legal opinions are quoted in all parts of the Palestinian and Babylonian Talmud, he was a very popular lecturer.

7. *R. Zeira* (or *Zera*), was a Babylonian and a disciple of Rab Juda bar Jecheskel, but dissatisfied with the hair-splitting method prevailing in the academies of his native country, he emigrated to Palestine where he attended the lectures of R. Elazar b. Pedath in Tiberias, and tried, in vain, to unlearn his former method of study. Having been ordained as Rabbi, he became one of the authorities in Palestine, together with R. Ame, R. Assi and R. Abbuhu.

B. BABYLONIAN AMORAIM.

1. *Rab Huna* (born 212, died 297) was a disciple of Rab, whom, after Mar Samuel's death, he succeeded as president of the academy in Sura. In this office he was active for forty years. He employed fifteen assistants to repeat and explain his lectures to his 800 disciples. Highly revered for his great learning and his noble character, he enjoyed an undisputed authority to which even the Palestinian teachers R. Ame and R. Assi voluntarily subordinated themselves.

2. *Rab Juda bar Jecheskel*, generally called simply R. Juda (or Jehuda), was a disciple of Rab, and also of Samuel. The latter teacher, whose peculiar method he adopted and developed, used to characterize him by the epithet, "the acute." He founded the academy in Pumbaditha, but after R. Huna's death he was chosen as his successor (Resh Methibta), at Sura, where after two years (299), he died at an advanced age.

3. *Rab Chisda* (or Chasda) belonged to the younger disciples of Rab, after whose death he attended also the lectures of R. Huna. But from the latter teacher he soon separated on account of a misunderstanding between them, and established a school of his own. At the same time, he was one of the Judges in Sura. After Rab Juda's death, R. Chisda, though already above eighty years old, became head of the academy in Sura, and remained in this office for about ten years.

4. *Rab Shesheth*, a disciple of Rab and Samuel, was member of the court in Nahardea. After the destruction of that city he went to Mechuza; later he settled in Silhi, where he founded

an academy. Being blind, he had to rely upon his powerful memory. He was R. Chisda's opponent in the Halakha, and disapproved of the hair-splitting dialectical method which had come in vogue among the followers of Rab Juda in Pumbaditha.

5. *Rab Nachman b. Jacob*, called simply Rab Nachman, was a prominent disciple of Mar Samuel. By his father-in-law, the exilarch Abba bar Abuha, he was appoined chief justice in Nahardea. After Mar Samuel's death, he succeeded him as rector of the academy in that city. When two years later (259), the city of Nahardea was destroyed, R. Nachman settled in Shechan-Zib. He is regarded as a great authority especially in the rabbinical jurisprudence, in which he established many important principles. Among others, he originated the rabbinical oath, that is, the purging oath imposed in a law suit on claims even in cases of general denial on the part of the defendant.

Of other teachers belonging to this generation, who, though not standing at the head of the leading academies, are often quoted in the Talmud, the following must be noted:

(*a*) *Rabba bar bar Chana*, who was a Babylonian and son of Abba bar Chana. After having attended the academy of R. Jochanan in Palestine, he returned to his native country, where he frequently reported the opinions of his great teacher. He is also noted for the many allegorical narratives ascribed to him in the Talmud.

(*b*) *Ulla* (b. Ishmael), was a Palestinian who frequently travelled to Babylonia, where he finally settled and died. Although without the title of Rabbi or Rab, he was regarded as a distinguished teacher whose opinions and reports are often mentioned.

The Third Generation of Amoraim.

A. Palestinian (320–359).

1. R. Jeremiah.
2. R. Jonah.
3. R. Jose.

B. Babylonian (320–375).

1. Rabba bar Huna.
2. Rabba bar Nachmani.
3. Rab Joseph (bar Chiya).
4. Abaye.
5. Rabha.
6. Rab Nachman bar Isaac.
7. Rab Papa.

To the Palestinian, Strack adds, (4) Samuel b. Nachman (in the Babylonian he is mentioned as Nachmani); (5) Itzhak the second (his contemporary in Babylonia is Nachman b. Jacob); (6) Lewi; (7) Abuhu; (8) Ami; (9) Assi; (10) Hyya b. Abba II. (Elazar b. Pedath he quotes in the third generation); (11) Simeon b. Abba; (12) Simur (also Zera is mentioned among the second generation); (13) Samuel b. Itzhak; (14) Hilla or Illeh; (15) Zrika; (16) Hoshia the second; (17) Chananiah (the colleague of the Rabbinat)*; (18) Janai b. Ishmael; (19) Joshua; (20) Ban b. Mamal (in Babylonia named Abba b. Mamal); (21) Jacob b. Ide; (22) Itzhak b. Nachma; (23) Maysha; (24) Bibe; (Haggi and Jeremiah Strack quotes as belonging also to the fourth generation).

To the Babylonian, Strack adds, (8) Chisda; (9) Hamnuna; (10) Shesheth; (11) Nachma b. Jacob; (12) Rabba b. b. Hanna; (13) Ulla b. Ishmael; (14) Rabba b. Nachmene, and (15) Joseph b. Hiah.

Remarks and Biographical Sketches.

A. PALESTINIAN AMORAIM.

The patriarch of this period was Hillel II., who introduced the fixed Jewish calendar.

In consequence of the persecutions and the banishment of several religious teachers under the emperors Constantine and Constantius, the Palestinian academies entirely decayed. The only teachers of any prominence are the following:

1. *R. Jeremiah* was a Babylonian and disciple of R. Zeira, whom he followed to Palestine. In his younger days, when still in his native country, he indulged in propounding puzzling questions of trifling casuistry, by which he probably intended to ridicule the subtile method prevailing among some of the contemporary teachers, and on this account he was expelled from the academy. In the Holy Land he was more appreciated, and, after the death of R. Abbahu and R. Zeira, was acknowledged as the only authority in that country.

2. *R. Jonah* was a disciple of R. Ila (Hila) and of R. Jere-

* There are eight Tanaim and twenty-three Amoraim named *Chananiah*. We do not remember who was called so as Strack did.

miah. His opinions are frequently quoted, especially in the Palestinian Talmud.

3. *R. Jose* (bar Zabda), colleague of R. Jonah, was one of the last rabbinical authorities in Palestine.

It is probable that the compilation of the Palestinian Talmud was accomplished about that time, though it cannot be stated by whom.

B. BABYLONIAN AMORAIM.

1. *Rabba* (or Rab Abba) *bar Huna* was not, as erroneously supposed by some, the son of the exilarch Huna Mari, but of Rab Huna, the disciple and successor of Rab. After the death of R. Chisda (309), he succeeded him in the dignity of president of the academy in Sura. Under his presidency, lasting thirteen years, this academy was eclipsed by that of Pumbaditha, and after his death it remained deserted for about fifty years until Rab Ashe restored it to its former glory.

2. *Rabba bar Nachmani*, in the Talmud called simply Rabba was born 270, and died 330. He was a disciple of Rab Huna, Rab Juda and Rab Chisda, and displayed from his youth great dialectical powers on account of which he was characterized as "the uprooter of mountains." Selected as head of the academy of Pumbaditha, he attracted large crowds of hearers by his ingenious method of teaching. In his lectures which commented on all parts of the Mishna, he investigated the reason of the laws and made therefrom logical deductions. Besides, he tried to reconcile seeming differences between the Mishna, the Baraithoth, and the traditional teachings of later authorities. He also liked to propound puzzling problems of the law, in order to test and sharpen the mental powers of his disciples. A charge having been made against him by the Persian government that many of his numerous hearers attended his lectures in order to evade the poll-tax, he fled from Pumbaditha and died in solitude.

3. *Rab Joseph* (bar Chiya) was a disciple of Rab Juda and Rab Shesheth, and succeeded his friend Rabba in the dignity of president of the academy in Pumbadita, after having once before been elected for this office, which he declined in favor of Rabba. On account of his thorough knowledge of the sources

of the Law, to which he attached more importance than to ingenious deductions, he was called *Sinai*. Besides being a great authority in the rabbinical law, he devoted himself to the Targum of the Bible, especially of the prophetical books. In his old age he became blind. He died in the year 333, after having presided over the academy of Pumbaditha only for three years.

4. *Abaye*, surnamed *Nachmani* (b. 280, d. 338) was a son of Kaylil and a pupil of his uncle Rabba bar Nachmani, and of Rab Joseph. He was highly esteemed not only for his profound knowledge of the law and his mastership in Talmudical dialectics, but also for his integrity and gentleness. After Rab Joseph's death he was selected as head of the academy in Pumbaditha, but under his administration, which lasted about five years, the number of hearers in that academy decreased considerably, as his more talented colleague *Raba* had founded a new academy in Machuza which attracted greater crowds of pupils. Under these two Amoraim the dialectical method of the Babylonian teachers reached the highest development. Their discussions, which mostly concern some very nice distinctions in the interpretation of the Mishna, in order to reconcile conflicting passages, fill the pages of the Talmud.* In their differences concerning more practical questions, the opinion of Raba generally prevails, so that later authorities pointed out only six cases in which the decision of Abaye was to be adopted against that of his rival.

5. *Raba* was the son of Joseph b. Chama in Machuza. He was born 299, and died 352. In his youth he attended the lectures of Rab Nachman and of R. Chisda. Later, he and Abaye were fellow-students in the academy of Rabba bar Nachmani. Here he developed his dialectical powers, by which he soon surpassed all his contemporaries. He opened an academy in Machuza which attracted a great number of students. After Abaye's death this academy supplanted that in Pumbaditha and during Raba's lifetime became almost the only seat of learning in Babylonia. His controversies with his contemporaries, especially with his rival colleague, Abaye, are very

* The often very subtile argumentations of these two teachers became so proverbial that the phrase "the critical questions of Abaye and Raba" is used in the Talmud as a signification of acute discussions and minute investigations.

numerous. Wherever an opinion of Abaye is recorded in the Talmud, it is almost always followed by the contrary view and argument of Raba.

6. *Rab Nachman b. Isaac* was a disciple of Rab Nachman (b. Jacob), and afterward an officer as Resh Calla in the academy of Raba. After the death of the latter he was made president of the academy in Pumbaditha, which now resumed its former rank. In this capacity he remained only four years (352–356), and left no remarkable traces of his activity. Still less significant was the activity of his successor, *R. Chama* from Nahardea, who held the office for twenty-one years (356–377).

7. *Rab Papa* (bar Chanan), a disciple of Abaye and Raba, founded a new school in Nares, in the vicinity of Sura, over which he presided for nineteen years (354–375). He adopted the dialectical method of his former teachers without possessing their ingenuity and their independence, and consequently did not give satisfaction to those of his hearers who had formerly attended the lectures of Raba. One of his peculiarities was that he frequently refers to popular proverbs people say.*

The Fourth Generation of Babylonian Amoraim. (375–427).

A. Sura.	B. Pumbaditha.	C. Nahardea.
1. Rab Ashe.	1. Rab Zebid.	Amemar.
	2. Rab Dime.	
	3. Rafram.	
	4. Rab Kahana.	
	5. Mar Zutra.	

To the fourth generation Strack adds, (1) Jeremiah (who though a Babylonian native, emigrated to Palestine, and was counted among the Palestinian); (2) Haggi; (3) Juda the third (Nassi), son of Gamaliel the fourth; (4) Jona; (5) Josa the second (colleague of Jona); (6) Pinchas (who also emigrated from Babylonia); (7) Judan; (8) Chelbo; (9) Hisda; (10) Chinna; (11) Tabbi; (12) Juda b. Pazi, from Lydda, and

* This Rab Papa must not be mistaken for an elder teacher by the same name, who had ten sons, all well versed in the law, one of whom, Rafram, became head of the academy of Pumbaditha in the following generation. Neither is Rab Papa identical with Rab Papi, a distinguished lawyer who flourished in a former generation.

(13) Jehoshua of Siknin. Concerning the fourth generation of Babylonian, he counts also Abbaye and Rabha, and adds to the list of Mielziner, Rabba b. Mari, Rabbi b. Ulla, and Rabha b. Shilla. Strack does not distinguish between the colleges of Sura, Pumbaditha and Nahardea.

Remarks and Biographical Sketches.

A. *Rab Ashe* (son of Simai bar Ashe) was, at the age of twenty, made president of the reopened academy of Sura, after the death of Rab Papa, and held this office for fifty-two years. Under his presidency, this academy, which had been deserted since the time of Rabba bar Huna, regained its former glory with which Rab had invested it. Combining the profundity of knowledge which formerly prevailed in this academy with the dialectic methods developed in that of Pumbaditha, he was generally recognized as the ruling authority, so that his contemporaries called him by the distinguishing title of *Rabbana* (our teacher). Invested with this great authority, Rab Ashe was enabled to assume the task of sifting, arranging and compiling the immense material of traditions, commentaries and discussions on the Mishna, which, during the two preceding centuries, had accumulated in the Babylonian academies. In the compilation and revision of this gigantic work, which is embodied in the Gemara, he was occupied for over half a century, and still he did not complete it entirely, but this was done, after his death, by his disciples and successors.

B. During the long period of Rab Ashe's activity at the academy in Sura, the following teachers presided successively over the academy in Pumbaditha:

1. *Rab Zebid* (b. Oshaya), who succeeded Rab Chama and held the office for eight years (377–385).

2. *Rab Dime* (b. Chinena) from Nahardea, presiding only for three years (385–388).

3. *Rafram bar Papa* the elder, in his youth a disciple of Raba, succeeded R. Dime (388–394).

4. *Rab Kahana* (b. Tachlifa), likewise a disciple of Raba, was one of the former teachers of R. Ashe. In an already advanced age, he was made president of the academy of Pumbaditha, and died in the year 411. This Rab Cahana must

not be mistaken for two other teachers of the same name, one of whom had been a distinguished disciple of Rab, and the other (Rab Cahana b. Manyome), a disciple of Rab Juda b. Jecheskel.

5. *Mar Zutra*, who, according to some historians, succeeded Rab Cahana as rector of the school in Pumbaditha (411–414), is probably identical with Mar Zutra b. Mare, who shortly afterwards held the high office as Exilarch. In the rectorship of Pumbaditha he was succeeded by *Rab Acha bar Raba* (414–419), and the latter by *Rab Gebiha* (419–433).

C. *Amemar*, a friend of Rab Ashe, was a distinguished judge and teacher in Nahardea. When his former teacher Rab Dime became president of the academy in Pumbaditha, he succeeded him in the rectorship of that of Nahardea, from 390 to about 422. With him this once so celebrated seat of learning passed out of existence.

THE FIFTH GENERATION OF BABYLONIAN AMORAIM (427–468).

A. Sura.	B. Pumbaditha.
1. Mar Jemar (Maremar).	1. Rafram II.
2. Rab Ide bar Abin.	2. Rechumai.
3. Mar bar Rab Ashe.	3. Rab Sama b. Rabba.
4. Rab Acha of Difte.	

To the fifth generation of Palestinian Strack adds, (1) Abba b. Kohen; (2) Abba Mare; (3) Mattanjah; (4) Mana the second b. Jona; (5) Chananiah the second; (6) Jos b. Bune; (7) Jona of Bozrae; (8) Tanhum, and (9) Chiah b. Adda the second.

To the Babylonian fifth generation he counts, (1) Nachman b. Itzhak; (2) Papa; (3) Huna b. Johusua.

Remarks and Biographical Sketches.

A. 1. *Mar Jemar* (contracted to Maremar), who enjoyed high esteem with the leading teachers of his time, succeeded his colleague and friend, Rab Ashe, in the presidency of the academy in Sura, but held this office only for about five years, (427–432).

2. *Rab Ide* (or Ada) *bar Abin*, became, after Mar Jemar's death, president of the academy at Sura, and held this office

for about twenty years (432–452). He as well as his predecessor continued the compilation of the Talmud which Rab Ashe had commenced.

3. *Mar bar Rab Ashe*, whose surname was Tabyome, and who, for some unknown reasons, had been passed over in the election of a successor to his father, was finally made president of the academy in Sura, and filled this office for thirteen years, (455–468). In his frequent discussions with contemporary authorities, he exhibits independence of opinion and great faculties of mind.

4. *Rab Acha of Difte*, a prominent teacher, was on the point of being elected as head of the academy of Sura, but was finally defeated by Mar bar Rab Ashe, who aspired to that office which his father had so gloriously filled for more than half a century.

B. The academy of Pumbaditha, which had lost its earlier influence, had during this generation successively three presidents, of whose activity very little is known, namely:

1. *Raframm II.*, who succeeded Rab Gebihah, from 433 to 443.
2. *Rab Rechumai*, from 443–456.
3. *Rab Sama b. Rabba*, from 456–471.

Toward the end of this generation, the activity of both academies was almost paralyzed by the terrible persecutions which the Persian King Firuz instituted against the Jews and their religion.

The Sixth and Last Generation of Babylonian Amoraim (468–500).

A. Sura.	B. Pumbaditha.
1. Rabba Thospia (or Tosfaah).	Rab Jose.
2. Rabina.	

To the sixth generation of Palestinian Strack adds, (1) Samuel b. Jose b. Bune, and to the Babylonian, (1) Ashi; (2) Rabban bar Thachlifa; (3) Mar b. Rabbina; (4) Mar Zutra. Meremar and Tospha he counts to the seventh generation, whilst Mielziner counts them to the sixth.*

* We refrain from giving our own opinion on the differences between the generations of Strack and those of Mielziner; for the reason, we confess, that we do not understand why only those named here should be mentioned among the different generations, whilst each of them has so many contemporaries named by Halpern in his special collection of Tanaim and Amoraim, which takes up a great part in Halakha

CHAPTER IV.

THE CLASSIFICATION OF HALAKHA AND HAGADA IN THE CONTENTS OF THE GEMARA.

The collection of the commentaries and discussions of the Amoraim on the Mishna is termed *Gemara.* (See our Brief Introd., Vol. I., of our Edition.) Besides being a discursive commentary on the Mishna, the Gemara contains a vast amount of more or less valuable material which does not always have any close connection with the Mishna text, as legal reports, historical and biographical information, religious and ethical maxims and homiletical remarks.

The whole subject-matter embodied in the Gemara is generally classified into *Halakha* and *Hagada.*

To *Halakha* * belongs that which has bearing upon the law; hence all expositions, discussions and reports which have the object of explaining, establishing and determining legal principles and provisions. The principal branches of the Halakha are indicated by the names of the six sections of the Mishna, named in Chap. IV. of this work.

The *Hagada* † comprises everything not having the character of Halakha; hence all historical records, all legends and parables, all doctrinal and ethical teachings and all free and unrestrained interpretations of Scripture.

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as well as in Hagada in both Talmuds and Medrashim. I. H. Weiss's method is to give the particulars of those who have much contributed to the development of the oral law; but nevertheless he mentioned many of the great men without particulars. Should we say that Mielziner has adopted his method while Strack did not, it would also not be correct. There are many whom Weiss speaks of lengthily whilst Mielziner does not mention them at all and *vice versa.* The modern scholars like Bacher, and others, took the trouble to write particulars of each one mentioned by Strack although even they omitted many who are mentioned by Halpern, and therefore we hesitate to give our own opinion on this matter.

* *Halakha* means *custom*, *usage*, *practice;* then, an *adopted rule*, a *traditional law.* In a more extended meaning, the term applies to matters bearing upon that law.

† *Hagada* or *Haggada* means that which is related, a *tale*, a *saying*, an individual utterance which claims no binding authority. Regarding this term, see W. Bacher's learned and exhaustive article, "The Origin of the Word Hagada (Agada)," in the *Jewish Quarterly Review* (London), Vol. IV., pp. 406–429. As to fuller particulars concerning Halakha and Hagada, see Zunz's "G. Vortraege," pp. 57–61 and 83 sq.; also Hamburger's "Real Encyclopädie," II., the articles Halacha and Agada, also above, Vol. I., Chap. V.

According to its different contents and character, the Hagada may be divided into:

1. *Exegetical* Hagada, giving plain or homiletical and allegorical explanations of biblical passages.

2. *Dogmatical* Hagada, treating of God's attributes and providence, of creation, of revelation, of reward and punishment, of future life, of Messianic time, etc.

3. *Ethical* Hagada, containing aphorisms, maxims, proverbs, fables, sayings, intended to teach and illustrate certain moral duties.

4. *Historical* Hagada, reporting traditions and legends concerning the lives of biblical and post-biblical persons or concerning national and general history.

5. *Mystical* Hagada, referring to Cabala, angelology, demonology, astrology, magical cures, interpretation of dreams, etc.

6. *Miscellaneous* Hagada, containing ancedotes, observations, practical advice, and occasional references to various branches of ancient knowledge and sciences.

Hagadic passages are often, by the way, interspersed among matters of Halakha, as a kind of diversion and recreation after the mental exertion of a tiresome investigation or a minute discussion on a dry legal subject. Sometimes, however, the Hagada appears in larger groups, outweighing the Halakha matter with which it is loosely connected.

Concerning the Palestinian Talmud, its Halakhas and Hagadas, see Chap. V. of this volume. However, as an appendix we add that which was written by Mielziner about this matter.

There are two compilations of the Gemara, which differ from each other in language as well as in contents; the one made in Palestine is called *Jerushalmi*, the Jerusalem Gemara or Talmud; the other, originating in Babylonia, is called *Babli*, the Babylonian Gemara or Talmud.

Compilation of Jerushalmi, The Palestinian Talmud.

As no academy existed in Jerusalem after the destruction of the second Temple, the customary appellation *Jerusalem* Talmud is rather a misnomer. More correct is the appellation the Palestinian Talmud, or the Gemara of the teachers of the West.

Maimonides in the introduction to his Mishna commentary ascribes the authorship of the Palestinian Talmud to the celebrated teacher R. Jochanan, who flourished in the third century. This statement, if literally taken, cannot be correct, since so many of the teachers quoted in that Talmud are known to have flourished more than a hundred years after R. Jochanan. This celebrated Amora may, at the utmost, have given the first impulse to such a collection of commentaries and discussions on the Mishna, which was continued and completed by his successors in the academy of Tiberias. In its present shape the work is supposed to belong to the fourth or fifth century. Some modern scholars assign its final compilation even to a still later period; namely, after the close of the Babylonian Talmud.*

The Palestinian Gemara, as before us, extends only over thirty-nine of the sixty-three Masechtoth contained in the Mishna, namely all Masechtoth of Seder Zeraim, Seder Moed, Nashim and Nezikin, with the exception of Eduyoth and Aboth. But it has none of the Masechtoth belonging to Seder Kodashim, and of those belonging to Seder Teharoth it treats only of Masecheth Nidda. (See Chap. V., p. 44.)

Some of its Masechtoth are defective, thus the last four Perakim of Sabbath and the last Perek of Macoth are wanting. Of the ten Perakim belonging to Masecheth Nidda it has only the first three Perakim and a few lines of the fourth.

There are some indications that elder commentators were acquainted with portions of the Palestinian Gemara which are now missing, and it is very probable that that Gemara originally extended to all or, at least, to most of the Masechtoth of the Mishna. The loss of the missing Masechtoth and portions thereof may be explained partly by the many persecutions which interrupted the activity of the Palestinian academies, partly by the circumstance that the Palestinian Gemara did not command that general attention and veneration which was bestowed on the Babylonian Gemara.

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* Critical researches on this subject are found in Geiger's "Jued. Zeitschrift f. Wissenschaft," 1870; Z. Frankel's "Mebo," p. 46 sq., and in Wiesner's "Gibeath Jeruschalaim" (Vienna, 1872).

I. H. Weiss ("Dor Dor," III., p. 114 sq.) regards R. Jose (bar Zabda), who was a colleague of R. Jonah and one of the last authorities in Palestine, as the very compiler of the Pal. Talmud which in the following generation was completed by R. Jose bar Bun (Abun).

Compilation of Babli, the Babylonian Talmud.

The compilation of the Babylonian Talmud is generally ascribed to Rab Ashe, who for more than fifty years (375-427), officiated as head of the academy in Sura. It is stated that it took him about thirty years to collect, sift and arrange the immense material of this gigantic work. During the remaining second half of his activity he revised once more the whole work and made in it many corrections.*

But Rab Ashe did not succeed in finishing the gigantic work. It was continued and completed by his disciples and successors, especially by the last Amoraim, Rabina II., who from 488 to 499 presided over the academy in Sura, and R. Jose, the school-head of Pumbaditha. Some additions were made by the Saboraim, and even by some still later hands.

The Gemara of the Babylonian Talmud covers only thirty-seven Masechtoth (tracts) of the Mishna, namely:

Of Zeraim only one, Berachoth, omitting the remaining ten Masechtoth;

Of Moed eleven, omitting only Shekalim, which in our Talmud editions is replaced by the Palestinian Gemara; †

Of Nashim all of the seven Masechtoth belonging to that division;

Of Nezikim eight, omitting Eduyoth and Aboth; ‡

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* See ibid., Vol. I., p. 21.

Those scholars who maintain that the Mishna was not written down by R. Jehuda Hanasi, but that he merely arranged it orally (see Chap. IV., p. 17), maintain the same in regard to Rab Ashe's compilation of the Gemara, without being able to state when and by whom it was actually committed to writing. Against this opinion it has been properly argued that it must be regarded as absolutely impossible for a work so voluminous, so variegated in contents and so full of minute and intricate discussions, as the Talmud, to have been orally arranged and fixed, and accurately transmitted from generation to generation. On the strength of this argument and of some indications found in the Talmud, Z. Frankel (in his "Mebo," p. 47) even regards it as very probable that Rab Ashe in compiling the Gemara made use of some minor compilations which existed before him, and of some written records and memoranda containing short abstracts of the academical discussions in the preceding generations. Collecting and arranging these records, he partly enlarged them by fuller explanations, partly left them just as he found them. Some traces of such memoranda, made probably by R. Ashe's predecessors, are still found in numerous passages of the Talmud.

† In our new edition in Vol. VIII., we supplied a new brief commentary by Rodkinson.

‡ We have placed Aboth de Rabbi Nathan under the Mishna instead of the missing Gemara Jurisprudence, Vol. I. (IX.).

Of Kodashim nine, omitting Middoth and Kinnim. In Thamid only chapters I., II. and IV. are provided with Gemara, but not chapters III., V., VI. and VII.

Of Teharoth only Nidda, omitting eleven Masechtoth.

There being no traces of the Gemara missing to twenty-six Masechtoth, it is very probable that this part of the Gemara has never been compiled, though those Masechtoth have undoubtedly also been discussed by the Babylonian Amoraim, as is evident from frequent references to them in the Gemara on the other Masechtoth. The neglect of compiling these discussions may be explained by the circumstance that those Masechtoth mostly treat of laws which had no practical application outside of Palestine. This is especially the case with the Masechtoth of Zeraim, except Berachoth, and those of Teharoth, except Nidda. It was different with the Masechtoth belonging to Kodashim which, though treating of the sacrificial laws, are fully discussed in the Babylonian Talmud, as it was a prevailing opinion of the Rabbis that the merit of being engaged with the study of those laws was tantamount to the actual performance of the sacrificial rites. (See Talm. Menachoth, 110a.)*

The absence of Gemara on the Masechtoth Eduyoth and Aboth is easily accounted for by the very nature of their contents, which admitted of no discussions.

The Two Gemaras Compared with Each Other.†

The Palestinian and the Babylonian Gemaras differ from each other in language and style as well as in material, and in the method of treating the same, also in arrangement.

* This reason appears doubtful to us as, according to the sages, the study of the Torah, no matter of which of its branches, is esteemed higher than sacrifices and they also were not very much in favor of sacrifices at large, just as little as the old prophets. Apart from this we find there lengthy discussions about things which have never and could never have existed. We therefore think that the Gemara was composed of all the Mishnayoths, and those which are missing were simply lost in the course of time. Secondly, discussions to subjects of every Mishna are scattered in the Talmud, but were not collected, and, indeed, a Rabbi of Ishbitza in Poland, Gershon Henich Lener, took the trouble to gather the Gemara belonging to the section *Purification* and publish them in a very voluminous book, in 1836, with the approbation of most of the Russian and Polish rabbis. (See particulars of this in our Phylacterian Retus, p. 122.)

† About this subject we have spoken in the first volume of this work. However, we will not omit what was said by Mielziner concerning this matter, as it is very reasonable.

As regards the language, the Palestinian Gemara is composed in the West Aramaic dialect which prevailed in Palestine at the time of the Amoraim.

The language of the Babylonian Gemara is a peculiar idiom, being a mixture of Hebrew and East Aramaic, with an occasional sprinkling of Persian words. Quotations from Mishna and Boraitha, and sayings of the elder Amoraim are given in the original, that is, the New Hebrew (Mishnic) language, while forms of judicial and notary documents and popular legends of later origin are often given in the Aramaic idiom.

Although the Palestinian Gemara extends to two more Masechtoth than the Babylonian, its total material amounts only to about one third of the latter. Its discussions are generally very brief and condensed, and do not exhibit that dialectic acumen for which the Babylonian Gemara is noted. The Hagada in the Palestinian Gemara includes more reliable and valuable historical records and references, and is, on the whole, more rational and sober, though less attractive than the Babylonian Hagada, which generally appeals more to the heart and imagination. But the latter, on many occasions, indulges too much in gross exaggerations, and its popular sayings, especially those evidently interpolated by later hands, have often an admixture of superstitious views borrowed from the Persian surroundings.

The arrangement of the material in the two Talmuds differs in this, that in the Babylonian, the Gemara is attached to the single paragraphs of the Mishna, while in the Palestinian all paragraphs (the retermed Halakhoth), belonging to one Perek of the Mishna, are generally placed together at the head of each chapter. The comments and discussions of the Gemara referring to the successive paragraphs are then marked by the headings, Halakha 1, Halakha 2, and so on.

The two Gemara collections make no direct mention of each other as literary works. But the names and opinions of the Palestinian authorities are very often quoted in the Babylonian Gemara; and in a similar way, though not to the same extent, the Palestinian Gemara mentions the views of the Babylonian authorities. This exchange of opinions was effected by the numerous teachers who are known to have emigrated or frequently travelled from the one country to the other.

The study of the Babylonian Talmud, having been transplanted from its native soil to North Africa, and the European countries (especially Spain, France, Germany and Poland), was there most sedulously and religiously cultivated in the Jewish communities, and gave rise to an immense Rabbinical literature. The Palestinian Talmud never enjoyed such general veneration and attention. Eminent Rabbis alone were thoroughly conversant with its contents, and referred to it in their writings. It is only in modern times that Jewish scholars have come to devote more attention to this Talmud, for the purpose of historical and literary investigations.

CHAPTER V.

APOCRYPHAL APPENDICES TO THE TALMUD AND COMMENTARIES.

Besides the Masechtoth contained in the Mishna and the two Gemaras, there are several Masechtoth composed in the form of the Mishna and Tosephta, that treat of ethical, ritual, and liturgical precepts. They stand in the same relation to the Talmud as the Apocrypha to the canonical books of the Bible. When and by whom they were composed cannot be ascertained. Of these apocryphal treatises, the following are appended to our editions of the Talmud:

1. *Aboth d' Rabbi Nathan*,* divided into forty-one chapters and a kind of Tosephta to the Mishnic treatise "Pirke Aboth," the ethical sentences of which are here considerably enlarged and illustrated by numerous narratives. In its present shape, it belongs to the post-Talmudic period, though some elements of a Boraitha of R. Nathan (who was a Tana belonging to the fourth generation) may have been embodied therein.†

2. *Sopherim* (the Scribes), containing, in twenty-one chapters, rules for the writing of the scrolls of the Pentateuch, and

* In our new edition it is translated in Vol. I. (IX.) and divided into paragraphs to each Mishna of Aboth.

† Compare Zunz, "Gottesd. Vortraege," p. 108, sq.—Solomon Taussig published in his "Neve Sholom" (Munich, 1872), from a manuscript of the Library in Munich, a recension of the Aboth d'Rabbi Nathan which differs considerably from that printed in our Talmud editions. The latest edition of Aboth d. R. N. in two recensions from MSS. with critical annotations was published by S. Schechter (Vienna, 1887).

of the book of Esther; also Masoretic rules, and liturgical rules for the service on Sabbath, Feast and Fast days. R. Asher already expressed (in his Hilchoth Sepher Thora) the opinion that this Masecheth Sopherim belongs to the period of the Gaonim.*

3. *Ebel Rabbathi* (the large treatise on Mourning),† euphemistically called *Semachoth* (Joys), is divided into fourteen chapters, and treats, as indicated by the title, of rules and customs concerning burial and mourning. It is not identical with a treatise under the same title, quoted already in the Talmud (Moed Katon, 24a, 26a; Kethuboth, 28a), but seems to be rather a reproduction of the same with later additions.‡

4. *Callah* (the bride, the woman recently married). This minor Masechta, being likewise a reproduction of a Masechta by that name, mentioned already in the Talmud (Sabbath, 114a; Taanith, 10b; Kiddushin, 49b; Jer. Berachoth, II., 5), treats in one chapter of the duties of chastity in marriage, and in general.

5. *Derech Eretz* § (the conduct of life), divided into eleven chapters, the first of which treats of prohibited marriages, and the remaining chapters, of ethical, social and religious teachings. References to a treatise by that name are made already in the Talmud (B. Berachoth, 22a, and Jer. Sabbath, VI., 2).

6. *Derech Eretz Zuta* (the conduct of life, minor treatise), containing ten chapters, replete with rules and maxims of wisdom.‖

7. *Perek Ha-shalom* (chapter on Peace) consists, as already indicated by the title, only of one chapter, treating of the importance of peacefulness.

Remark: Besides these apocryphal treatises appended to

* See Zunz, GD. V., p. 95, sq. The latest separate edition of Masecheth Sopherim from a MS. and with a German commentary was published by Joel Mueller (Leipsic, 1878).

† Translated by us in Vol. VIII. with a brief commentary by Rodkinson.

‡ See Zunz, G. V., p. 90, and N. Brüll "Die Talm. Tractate über Trauer um Verstorbene" (Jahrbücher für Jüd. Geschichte und Literatur, I., Frankfurt a. M.), p. 1–57. M. Klotz published "Der Talm. Tractat Ebel Rabbathi nach Handschriften bearbeitet, überzetzt und mit Anmerkungen versehen," Frankf. on the Main, 1892.

§ Also these three are translated in Vol. I. (IX.) of our new edition.

‖ On both of these Masechtoth Derech Eretz, see Zunz, GD. V., pp. 110–112. See also Abr. Tawrogi, "Der Talm. Tractat Derech Erez Sutta Kritisch bearbeitet, übersetzt und erläutert" (Berlin, 1885).

our editions of the Talmud under the general title of "Minor Treatises," there are seven lesser Masechtoth which were published by Raphael Kirchheim from an ancient manuscript. (Frankfort on the Main, 1851.)

Commentaries.

The Necessity for such Commentaries.

The Talmud offers to its students great difficulties, partly on account of the peculiar idiom in which it is written, and which is intermixed with so numerous, often very mutilated, foreign words; partly on account of the extreme brevity and succinctness of its style, the frequent use of technical terms and phrases, and mere allusions to matters discussed elsewhere; partly also on account of the circumstance that, in consequence of elliptical expressions, and in the absence of all punctuation marks, question and answer, in the most intricate discussions, are sometimes so closely interwoven that it is not easy to discern at once where the one ends and the other begins. To meet all these difficulties, which are often very perplexing, numerous commentaries have been written by distinguished Rabbis. Some of the commentaries extend to the whole Talmud, or a great portion thereof; others exclusively to the Mishna, or some of its sections.

Up to date new commentaries upon commentaries appear, so that in the last edition printed in Vilna, more than a hundred additional commentaries are given (an illustration of which we give at the end of this chapter). We therefore do not care to point them out. Moreover they all are commentaries to the text which do not belong to our new edition. However, the commentaries exclusively on the Mishna we deem to be interesting for some readers and therefore do not omit them.

Commentaries Exclusively on the Mishna.

1. The first to write a commentary on the whole Mishna was *Moses Maimonides* (XII. century). He commenced it in the twenty-third year of his age, in Spain, and finished it in his thirtieth year, in Egypt. This commentary was written in Arabic, manuscripts of which are to be found in the Bodleian Library

at Oxford, and in some other libraries. From the Arabic it was translated into Hebrew by several scholars, flourishing in the XIII. century; namely, Seder Zeraim, by Jehuda Charizi; Seder Moed, by Joseph Ibn Alfual; Seder Nashim, by Jacob Achsai (or Abbasi *); Seder Nezikin, by Solomon b. Joseph, with the exception of Perek Chelek in Sanhedrin and Masecheth Aboth, including the ethical treatise Sh'mone Perakim, introducing the latter, which were translated by Samuel Ibn Tibbon; Seder Kodashim, by Nathanel Ibn Almuli; the translator of Seder Teharoth is not known. These translations are appended to all Talmud editions, after each Masechta, under the heading of Commentary of Maimonides.

The characteristic feature of this commentary of Maimonides consists in this, that it follows the analytical method, laying down at the beginning of each section the principles and general views of the subject, and thereby throwing light upon the particulars to be explained, while Rashi in his Talmud commentary adopted the synthetical method, commencing with the explanation of the particulars, and thereby leading to a clear understanding of the whole of the subject-matter.

2. Several distinguished Rabbis wrote commentaries on single sections of the Mishna, especially on those Masechtoth to which no Babylonian Gemara (and hence no Rashi) exists. Of these commentaries the following are found in our Talmud editions:

(*a*) *Rashi's Commentary* on all Masechtoth of Seder Zeraim, except Berachoth, and all Masechtoth of Seder Teharoth, except Nidda, by *R. Simson* of *Sens* (XII. century), the celebrated Tosaphist.

(*b*) *Asheri's Commentary* on the same Masechtoth, by *R. Asher b. Yechiel* (XIII. century), the author of the epitome of the Talmud which is appended to all Masechtoth.

(*c*) *Rashi's Commentary* on Masecheth Middoth, by *R. Shemaya*, who is supposed to have been a disciple of Rashi.

(*d*) *Rabad's Commentary* on Masecheth Eduyoth, by *R. Abraham b. David* (XII. century), the celebrated author of critical annotations on Maimonides' Talmudical code.

(*e*) Commentary on the Masechtoth Kinnim and Tamid by an anonymous author.

* See Graetz, "Geschichte d. J.", Vol. VII. p. 302.

3. *R. Obadya of Bertinoro* in Italy, and Rabbi in Jerusalem (d. in the year 1510), wrote a very lucid commentary on the whole Mishna, which accompanies the text in most of our separate Mishna editions. He follows the analytic method of Rashi, and adds to each paragraph of the Mishna the result of the discussion of the Gemara.

4. *Additions of Yom Tob.* Additional comments by *Yom Tob Lipman Heller*, Rabbi of Prague and Cracow (XVII. century). These comments, likewise extending to all parts of the Mishna, and accompanying its text on the opposite side of Bartinoro's commentary in most of our Mishna editions, contain very valuable explanations and critical remarks.

5. Of shorter commentaries to be found only in some special editions of the Mishna text the following may be mentioned:

(*a*) *Tree of Life*, by *Jacob Chagiz*, Rabbi in Jerusalem (XVII. century), the author of a Talmudical terminology, *Techilath Chochma*.

6. *Full Spoon of Delight*, by Senior Phoebus (XVIII. century). This commentary is an abstract of Bertinoro's and Yom Tob Lipman Heller's commentaries.

(*b*) *Spoon of Delight*, by *Isaac Ibn Gabbai* in Leghorn (XVII. century), is generally based on the commentaries of Rashi and Maimonides.*

"*Tefereth Israel*" to all Mishnayoth, by Israel Liphschitz, a very reasonable commentary.

CHAPTER VI.

EPITOMES, CODIFICATIONS, MANUSCRIPTS AND PRINTED EDITIONS OF THE TALMUD.

Introductory.

Since the Babylonian Talmud was considered by most of the Jewish communities in all countries as the source of the rabbinical law by which to regulate the religious life, it is but natural that already at a comparatively early period attempts were made to furnish abstracts of the same for practical pur-

* The commentaries of the Palestinian Talmud we omit, but not the Epitomes, etc., which seem to us of interest for the reader.

ואלה התוספות החדשות שהוספנו בהש"ס הזה:

יש מהן שנוספו על כל המסכתות תש"ב ויש שלא באו רק על איזה מסכתות:

אלה הם נדפסו בפנים הש"ס או על גליון הדף:

א) מסכת כלה רבתי — השלמה — סידורה בפרקים ובנוסחאות ישרות יותר על הנדפסת בכל ספרי הש"ס. (מגילת נכ"י דנים אברהם בר נתן הירחי אל בעל המנהג. פה [illegible], ויצא לאור ע"י [illegible] כית נתן).

ב) מסכתות קטנות נוספות: מסכתות ספר תורה, תפילין, מזוזה, וציצית, [illegible] (נכ"י אוספם כנפת"מ בכנת תר"ח).

ג) חילופי נוסחאות בש"ס ע"פ נוסחאות ישנות.

ד) נוסחאות ישנות ונוסחת הבבלי במסכת שקלים.

ה) נוסחת הירושלמי במסכת הוריות.

ו) נוסחאות כתבי יד במסכת כריתות.

ז) נוסחא הדהא למס' גרים מספר בראית הנקי להרה"ר [illegible] ז"ל עם פירושו עליה מספרו הנוא

ח) פירוש רב האי גאון ז"ל, למשניות סדר טהרות.

ט) — רב נסים (גאון) בר יעקב ז"ל (תלמיד רב האי גאון ותלמידו של כת"ק), למסכת ברכות, שבת, ועירובין (ונקרא גם מפתח מנעולי התלמוד).

י) [כ"י] — רבינו חננאל בר חושיאל ז"ל (ג"כ תלמידו של כת"ק), לחצי הש"ס.

יא) [כ"י] — רבינו גרשום בר יהודה מאור הגולה ז"ל (ונקרא גם פירוש הרש"י) למס' תענית ובבא בתרא ולכל סדר קדשים מלבד זבחים.

יב) — רש"י למסכת אבות, ע"פ נוסחאות שונות.

יג) — הרשב"ם העיקרי למס' ב"ב דף פ"ז, פ"ח, פ"ט, ק"ל, קל"א. שהוא נדפס רק בדפוס פיזרו בשנת רע"א ובכל שאר הדפוסים נדפס בטעות פי' אחר בשמו כמ"ש בהערה לפי' הרשב"ם בדף פ"ט סוף ע"א.

יד) פ' רבינו זרחיה הלוי ז"ל (הרז"ה בעל המאור) למס' קנים.

טו) — רבינו אברהם בר דוד ז"ל (הראב"ד בעל ההשגות) למסכת קנים ותמיד.

טז) [כ"י] תוספות ר"י הזקן ז"ל, למס' קדושין (לא ייחסו לו חכמי הספרים, אבל נראה כי שלו הוא, כי נמצא מקומות מוכח כבן ספר כתוכה ומהגהו הללו היה תלמידו של ר"י כהן).

יז) פ' רבינו שמשון משאנץ (משאנזא) ז"ל, למס' עדיות לתשלום מסכת בכורים, ולפרק אנדרוגינוס. ועליו נלוה גם פי' הרמ"ע מפאנו ז"ל.

יח) (כ"י) תוספות הר"ש משאנץ ז"ל, למס' סוטה.

יט) (כ"י) תוספות ישנים למסכת יבמות.

כ) (כ"י) פ' ריב"ן השלם למס' נזיר. הפירוש שנדפס בש"ס למס' נזיר וייחסוהו לרש"י, הוא באמת לרבינו יהודה בר נתן ז"ל (המשכח מתוך כ"י [illegible]) אולם הנדפס משובש מאד, גם חסר ממנו הרבה, ועתה נמצא פירושו השלם בכ"י קרפין וברוייק והמספות והשנוים שמצאנו בו נדפסו בצד הפירוש הנ"ל הנדפס בשם רש"י ונקראו בשם נוסחת הריב"ן.

כא) [כ"י] פ' רבינו יצחק בר מלכי צדק מסיפונטי ז"ל, למשניות סדר זרעים.

כב) [כ"י] פ' רבינו יהודה בר בנימין הרופא ז"ל ממשפחת הענוים (והוא בעל שבלי הלקט), למס' שקלים.

כג) [כ"י] פ' רבינו מאיר (מהר"ם) מרוטנבורג ז"ל, למס' נגעים ואהלות.

כד) קונטרס פירושי מהר"ם מרוטנבורג לסדר טהרות, שהביאם התוי"ט, מלבד למס' נגעים ואהלות שהדפסנוהו ע"פ כ"י הנ"ל.

כה) פ' רבינו יונה החסיד מגירונדא ז"ל, למס' אבות.

כו) [כ"י] תוספות רי"ד מאת רבינו ישעיה די טראני (ר' ישעיה הראשון ז"ל) למס' כתובות ולמס' גיטין.

כז) [כ"י] תוס' הר"ם מקמאי למס' יבמות, והוא נזכר [illegible] של רבינו משולם ז"ל [illegible] סה"ל, חדושי יבמות להר מקמאי ז"ל, מזכיר להרב אביו [illegible] הוא היה בזמן הראב"ד ונא [illegible] לפניהם [illegible] ע"פ כ"י.

כח) [כ"י] פ' הרא"ש ז"ל למסכת נדר, שהיה בכ"י ישן [illegible] הספרים של [illegible] ז"ל [illegible]

כט) תוס' הרא"ש ז"ל למס' הוריות [illegible]

ל) פירוש הרא"ש למסכת קנים תמיד ומדות.

לא) [כ"י] תוספי הרא"ש ז"ל למסכת נדה.

לב) [כ"י] שיטה מקובצת לרבינו בצלאל אשכנזי ז"ל, קבוצת [illegible] חדושי הראשונים ז"ל לכל סדר קדשים [illegible] (כי [illegible] מביא פי' רש"י האמתי שמצא בכ"י [illegible] בכל ספרי הש"ס. [illegible] נוסחאות [illegible] הגהות נפלאות אמתיות מתוך נוסחת כ"י [illegible], ולא זכינו עדיין שיצאו לאור הדפוס [illegible].

ולמס' תורה ניתנה בעצם כ"ק של תלמידו הג"ם שלמה בר ישועה [illegible] ז"ל [illegible] כנ"י).

לג) הכמת שלמה (מהרש"ל) לפרק חלק, אשר נשמט מכל ספרי הש"ס, [illegible] רק בס' ח"י תוצאה א' בשנת [illegible]

לד) [כ"י] חדושי מהרש"ל על הרא"ש למס' שבת עירובין וגיטין.

לה) פירוש והג"ה וכו' של הרא"ש, הוגהו והוספו בם הרבה ע"פ הנדפס בפראג בשנת [illegible] על ידי בעל התוי"ט.

לו) [כ"י] הגהות הב"ח להל"ק מהרא"ש.

לז) הגהות ס' המת יצחק, על אדר"נ ועל מסכתות קטנות.

לח) הגהות ס' ברכת הזבח וס' צאן קדשים לסדר קדשים.

לט) תפארת שמואל, השגות על מהרש"א להג"מ אהרן שמואל קאידנובר ז"ל (מהרש"ק) (נעתמ"ם ברכת הזבח) (מלבד הגהותיו על גפ"ת שבאו בסוף המסכתות).

מ) (כ"י) פסקי תוספות למס' מעילה שלא נדפסו עד כה בכל ספרי הש"ס ואנחנו מצאנום בפסקי תוס' כ"י ישן על קלף.

מא) (כ"י) נוסחאות ישנות בפסקי תוס' שנמצאו בכ"י ישן נושן על קלף.

מב) פי' קרבן העדה למס' שקלים, להג"מ דוד ז"ל לאבד"ק [illegible].

מג) פי' הג"מ חיים יוסף דוד אזולאי ז"ל (מספרו כסא רחמים) לאדר"נ ולמסכתות קטנות.

מד) [כ"י] הוספות להגהות הגר"א ז"ל. וביותר בסדר זרעים ומסכת שקלים, מעצם כי"ק.

מה) הגהות הגר"א למשניות סדר טהרות (מלבד באורו שנזכר לקמן שנדפס בסוף).

מו) מים טהורים הגהות למסכת כלים להג"מ יהודה ליב הלוי עדיל ז"ל מ"מ מסלאנים (בעמח"ס אפיקי יהודה).

מז) הגהות והקונים בפי' הרא"ש למס' קנים מס' יעיר קנו.

מח) ספר הקלין חדתין על מס' שקלים מתלמוד ירושלמי, מהג"מ ישראל בהר' ש ז"ל מ"מ רשקלאב (תלמידו של הגר"א), עם הגהות הגר"א ז"ל למסכת ההיא.

מט) [כ"י] נמוקי הגרי"ב הגהות על מהרש"א להג"מ יהודה בכרך ז"ל אבד"ק סייני (מלבד חדושיו על גפ"ת שבאו בסוף המסכתות).

נ) ספר בנין יהושע על אבות דרבי נתן, מאת הרב יהושע פאלק ב"ר יצחק אייזיק סליכא ז"ל.

נא) ספר נחלת יעקב למסכתות קטנות, מאת הרב יעקב (יאקב) ב"ר ברוך נוימבורג ז"ל.

נב) עין משפט, מסורת הש"ס, גליון הש"ס ירושלמי כלם לספ' שקלים, מאת בעלי מפרשי הים ז"ל.

נג) הגהות על פי' הרמב"ם והר"ש לסדר זרעים מהג"מ שמואל פריינד ז"ל מדייני פראג (בעמח"ס [illegible]). ונדפסו על הגליון בצדם מבלי הזכרת שם מחברן.

נד) [כ"י] לב חכמים למסכת שבועות.

ואלה ילוו על הש"ס בסוף המסכת:

נה) [כ"י] פירוש קדמון למס' מעילה, הובא בשיטה מקובצת כ"י בשם „פירוש לא נודע למי".

נו) אור זרוע הקצר על מסכת יבמות, להג"מ חיים מנוואשיטט בן הריא"ז ז"ל בעהמ"ס אור זרוע (ונדפס פ"א על גליון ספקי הרא"ש בכ"ב דפוס ווינציאה).

נז) ספר מהדורא בתרא למהרש"א, עם חדושי הלכות ואגדות מתתנו הג"מ משה בר' יצחק בר בונם ז"ל אבד"ק לובלין.

נח) הכמת מנוח, חדושים מהג"מ מנוח הענדיל ז"ל (גדולו של מהרש"ל).

נט) מים חיים, חדושים מהג"מ יחזקיה די סילוא ז"ל (בעמח"ס פרי חדש).

ס) כללי התלמוד, להג"מ חיים בנבנישתי ז"ל (מספרו כנה"ג וביאור כנה"ג).

סא) [כ"י] הגהות ישנות למס' נדה שנכתבו בכ"י מספרי ישן על גליון המסכת דפוס ווינציאה בשנת רפ"ז.

סב) [כ"י] חדושי הג"מ משה ב"ר אברהם ז"ל אבד"ק הוראדנא (בעמח"ס תפלת משה).

סג) הגהות הג"מ נתן בורניל ז"ל, לסדר קדשים ומס' הוריות (מספרו חק נתן).

סד) [כ"י] באור הגר"א ז"ל למס' ערכין ונקרא יד אליהו.

סה) [כ"י] הגהות הדשות מהגר"א ז"ל למס' תמורה, מלבד אלה שנדפסו על הדף מכ"י.

סו) [כ"י] באור הגר"א למשניות סדר טהרות (מלבד אליהו) אשר [illegible] תלמידו הג"מ בונם ז"ל [illegible] ע"י הרה"ג ז"ל, והלק גדול ממנו כלו חדש, שלא נמצא בא"ר.

סז) ספר אורה מישור למס' נזיר, מהג"מ יוחנן ב"ר מאיר ז"ל [illegible].

סח) הגהות הג"ם יחיאל הילפרין ז"ל אבד"ם מינסק (בעמח"ס סדר הדורות).

סט) [כ"י] חדושים והגהות מהג"ם יעקב עמדין (הריעב"ץ) ז"ל (מגה"ה כי"ק מגליון הש"ס שלו).

ע) [כ"י] חדושים מהג"ם נדליה ליפשיץ ז"ל, על איזה מסכתות בכי"ק, ומספרו דגל ישראל לאדר"נ ומס"ק.

עא) חדושים ממנו הג"ם ישראל ליפשיץ ז"ל בעהמ"ס תפארת ישראל על משניות.

עב) [כ"י] חדושים מהג"ם צבי הירש ברלין ז"ל (בנו של הגאון [illegible] ז"ל).

עג) חדושים מהג"ם משה סופר ז"ל אבד"ק פרעסבורג (בעמח"ס שו"ת חתם סופר וכו').

עד) ערה צופים על הרא"ש להג"ם בצלאל רנשבורג ז"ל (בעמח"ס הורה נבר).

עה) חדושים מהג"ם זאב וואלף הלוי מבאסקאוויץ ז"ל (בעמח"ס סדר משנה).

עו) חדושים מהג"ם ברוך פרענקיל תאומים ז"ל (בעמח"ס ברוך טעם וכו').

עז) [כ"י] חדושים מהג"ם יעקב צבי יאליש ז"ל מדינוב (בעמח"ס מלא הרועים וכו').

עח) [כ"י] הגהות למס' שבועות מהג"ם ליב ברלין ומהג"ם נח חיים צבי ז"ל (בעמח"ס מעין החכמה).

עט) (כ"י) מצפה איתן להג"ם אברהם ז"ל ממינסק (בעמח"ס מעגל לאיתן וכו'). (עם תוספת מרובה מכי"ק על הנדפס בש"ס דפוס זיטאמיר).

פ) [כ"י] חדושים מהג"ם שלמה איגר ז"ל, למסכתות שלא נדפסו עוד עליהן (מלבד הנ"ל הנדפס).

פא) חדושים מהג"ם צבי הירש חיות ז"ל אבד"ק זאלקווא (בעמח"ס שו"ת מהר"ץ וכו').

פב) [כ"י] קרני ראם להג"ם אהרן משה טויבש ז"ל אבד"ק יאסי (בעמח"ס שו"ת תועפות ראם). כולל הערות על מהרש"א ותוס' גפ"ת (טבף עתה מכי"ק על הרבה מסכתות שנדפסו כלעדו).

פג) [כ"י] הגהות כמ הג"ם שמואל שמעלקא טויבש ז"ל אבד"ק יאסי.

פד) ארץ צבי הגהות על הגהות אשר"י מהג"ם יהודה צבי ז"ל (בעמח"ס שו"ת מנחת יהודה).

פה) [כ"י] שער הלקיטות הגהות מהג"ם יששכר ז"ל (בעמח"ס פתחי שערים).

פו) [כ"י] חדושי הרד"ל מהג"ם דוד לוריא ז"ל מביחאוו ישן (בעל ההגהות על המדרש רבה ופדר"א וכו').

פז) [כ"י] הוספות לחדושי והגהות הרש"ש, וחדושים מבנו הג"ם מתתיהו שטראשין ז"ל מווילנא.

פח) [כ"י] חדושים מהג"ם יוסף הנינא ליפא מייזליש ז"ל (בעמח"ס שו"ת תפארת יוסף).

פט) [כ"י] הגהות למסכת נזיר מהג"ם אשר הכהן ז"ל אבד"ק שערשב (בעמח"ס ברכת ראש).

צ) [כ"י] חדושים מהג"ם שמחה ז"ל אבד"ק [illegible] (גיסו של הג"ם צבי הירש ז"ל).

צא) [כ"י] מלאכת יום טוב מהג"ם יום טוב ליפמאן ז"ל אבד"ק קאפולי (בעמח"ס קדושת יום טוב וכו').

צב) [כ"י] בן אריה מהג"ם זאב בן אריה ז"ל אבד"ק סגלו.

צג) חדושים מהג"ם אליהו נוטמאנר ז"ל אבד"ק גרידץ (בעמח"ס לבנת הספיר).

צד) [כ"י] חדושים מהג"ם יצחק אייזיק הבר ז"ל אבד"ק טיקטין (בעמח"ס שו"ת בנין שלם).

צה) [כ"י] חדושים מהג"ם נחמיה בירך הלוי ז"ל מהוראוונא (בעמח"ס שו"ת דברי נחמיה).

צו) [כ"י] מראה כהן להג"ם בצלאל הכהן ז"ל מו"ץ בק"ק ווילנא (בעמח"ס ראשית בכורים).

צז) [כ"י] חדושים מהג"ם אלעזר משה הלוי הורוויץ שליט"א אבד"ק פינסק.

צח) [כ"י] פורת יוסף להג"ם יוסף שליט"א מו"ץ בק"ק ווילנא.

צט) הגהות אמרות טהורות על פי' הר"מ והר"ש והרא"ש לכל סדר טהרות להג"ם שמואל פריינד ז"ל הנ"ל.

ק) [כ"י] חשק שלמה להג"ם שלמה הכהן שליט"א מו"ץ בק"ק ווילנא.

קא) [כ"י] יפה עינים להג"ם אריה ליב יעלין שליט"א אבד"ק בילסק (בעמח"ס קול אריה וכו'). כולל בו מ"מ התלמוד ירושלמי, למדרשים, ילקוט, ספרא, ספרי ומכילתא ובריתא ופסקי"ד, עם הגהות וחדושים בחלופי נוסחאות ושנוים שבין תלמוד בבלי לירושלמי. (ובהם הגהות ומ"מ בירושלמי למס' ברכות ושבת להג"ם ליב ברלין ז"ל ויוכרו בשם הנ"ל ב).

קב) [כ"י] המתרגם כולל באור מלות הלועזות שבפרש"י, תוספות, והרא"ש, ובפי' המשניות להרמב"ם והר"ש.

קג) פסקי תוספות, ומסורת הש"ס, ועין משפט ותורה אור, שכל אלה נשתבשו מאד בכל ספרי הש"ס, הוגהו ונתקנו בש"ס הזה ע"י גדולי התורה.

גם הוספנו בו: א) [illegible] על תוספות ישנים למסכת יומא, [illegible] ... „עי' ש"ת יצחק" הדפסנו את תוכן דבריו מסומנים בסוגריים. ב) [illegible] מקומות בפרש"י [illegible] למסכת אבות. ג) ציוני הפסוקים [illegible]. ד) [illegible]. ה) ציוני המסכתות בתוספות.

ועל כל אלה נוספה בו הגהה כפולה ומכופלת מדויקת ומזוקקת שבעתים

ע"פ נוסחאות ישנות וספרי [illegible] ... [illegible] ... הש"ס עד סופו. [illegible]

אין רשות לאיש [illegible] הגהות [illegible] כי כל זכות הדפסתם לנו לבדנו הוא.

ILLUSTRATION OF THE NAMES OF THE 103 ADDITIONAL COMMENTARIES.

poses. This was done partly by epitomes or compendiums which, retaining the general arrangement and divisions of the Talmud, bring its matter into a narrower compass by omitting its Hagadic and unnecessary passages, and abridging the legal discussions; and partly by codes in which the results of the discussed legal matter is presented in a more systematic order. The first attempts in this direction were made by R. Jehudai Gaon of Sura (VIII. century), in his book *Halachoth Ketuoth* (Abridged Halakhoth), and by R. Simon of Kahira (—IX. century) in his *Halachoth Gedoloth*. Both of these two works, which afterwards coalesced into one work, still extant under the latter title, were, however, eclipsed by later master works of other celebrated Rabbinical authorities.

A. Epitomes.

The principal epitomes or compendiums of the Talmud are by the following authors:

1. *R. Isaac Alfasi* (after the initials, called "Rif," born in 1013 near the city of Fez in Africa, died in 1103 as Rabbi at Lucena in Spain) wrote an excellent compendium, which he called "Halakhoth," but which is usually called by the name of its author, Alpassy. In this compendium he retains the general arrangement, the language and style of the Talmud, but omits, besides the Hagada, all parts and passages which concern laws that had become obsolete since the destruction of the Temple. Besides, he condensed the lengthy discussions, and added his own decision in cases not clearly decided in the Talmud.

Remark.—Alfasi's compendium comprises in print three large folio volumes in which the text is accompanied by Rashi's Talmud commentary, and besides by numerous commentaries, annotations and glosses, especially those by R. Nissim b. Reuben (ן"ר); by R. Zerachia Halevi (Maor); by R. Mordecai b. Hillel; by R. Joseph Chabiba (Nimuke Joseph), and by some other distinguished Rabbis.

2. *R. Asher b. Jechiel*, a German Rabbi, later in Toledo, Spain, where he died in 1327, wrote a compendium after the pattern of that of Alfasi and embodied in the same also the opinions of later authorities. This compendium is appended in our Talmud editions to each Masechta, under the title of the author, Rabbennu Asher.

R. Jacob, the celebrated son of this author, added to that compendium an abstract of the decisions contained in the same, The Extract of Asher's Decisions.

B. Codes.

1. *Mishne Torah*, "Repetition of the Law," by R. Moses Maimonides, flourishing in the XII. century. This is the most comprehensive and systematically arranged Code of all the Laws scattered through the two Talmuds, or resulting from the discussions in the same. Occasionally also the opinions of the post-Talmudic authorities, the Gaonim, are added.

This gigantic work, written throughout in Mishnic Hebrew in a very lucid and attractive style, is divided into *fourteen* books; hence its additional name, Sepher Ha-yad (having the numerical value of 14), and by way of distinction, it was later called "Yad Hachazaka," The Strong Hand. Every book is, according to the various subjects treated therein, divided into Halakhoth, the special names of which are given at the head of each of those fourteen books. The Halakhoth are again subdivided into chapters (Perakim), and these into paragraphs.

2. *Sephar Mitzvath Godol* (abbreviated S. M. G.), the great Law book, by the Tosaphist *R. Moses* of *Coucy*, in France (XIII. century). This work arranges the Talmudical law according to the 613 precepts which the Rabbis found to be contained in the Pentateuch, and is divided into 248 positive and 365 negative commandments.

Remark.—A similar work, but on a smaller scale, is "Sephar Mitzvath Gaton," also called "Amude Golah," by R. Isaac b. Joseph, of Corbeil (d. 1280).

3. *Turim* (the Rows of Laws), by *R. Jacob*, son of that celebrated R. Asher b. Jechiel who was mentioned above. The work is divided into four parts, called: *Tur Orach Chayim*, treating of Liturgical Laws; *Tur Yore Dea*, treating of the Ritual Laws; *Tur Eben Ha-ezer*, on the Marriage Laws, and *Tur Choshen Mishpat*, on the Civil Laws. Each of these four books is subdivided according to subjects under appropriate headings, and into chapters, called Simanim. This code differs from that of Maimonides in so far as it is restricted to such laws only which were still in use outside of Palestine, and as it embodies also rules and customs which were established after the

close of the Talmud. Besides, it is not written in that uniform and pure language, and in that lucid style, by which the work of Maimonides is characterized.

4. *Shulchan Aruch* (The Prepared Table), by *R. Joseph Karo* (XVI. century), the same author who wrote the commentaries on the codes of Maimonides and of R. Jacob b. Asher. Taking the last-mentioned code (Turim) and his own commentary on the same as basis, and retaining its division into four parts as well as that into subjects and chapters, he subdivided each chapter (Siman), into paragraphs, and so remodelled its contents as to give it the proper shape and style of a law book. This Shulchan Aruch, together with the numerous annotations added to it by the contemporary R. Moses Isserles, was up to our time regarded by all rabbinical Jews as the authoritative code by which all questions of the religious life were decided.

Constant reference to the four Codes mentioned above are made in the marginal glosses which are found on every page of the Talmud, under the heading of "*En Mishpat, Ner Mitzwah.*" It is the object of these glosses to show, at every instance when a law is quoted or discussed in the Talmud, where the final decision of that law is to be found in the various codes. The authorship of these marginal glosses is ascribed to R. Joshua Boas Baruch (XVI. century). The same scholar wrote also the glosses headed *Torah Or* which are found in the space between the Talmud text and Rashi's commentary, and which indicate the books and chapters of the biblical passages quoted in the Talmud, besides the very important glosses in the margins of the pages, headed *Massoreth Ha-shas*, which give references to parallel passages in the Talmud. The last mentioned glosses were later increased with critical notes by Isaiah Berlin (Pik), Rabbi in Breslau (d. 1799).

C. Collections of the Hagadic Portions of the Talmud.

While the above-mentioned Compendiums and Codes are restricted to abstracting only the legal matter (Halakha) of the Talmud, *R. Jacob ibn Chabib*, flourishing at the beginning of the sixteenth century, collected all the Hagadic passages, especially of the Babylonian Talmud. This very popular collection, which is usually printed with various commentaries,

has the title of *En Jacob*; in some editions it is also called *En Israel.*

R. Samuel Jafe, flourishing in the latter part of that century, made a similar collection of the Hagadic passages of the Palestinian Talmud, with an extensive commentary under the title of *Y'phe Mareh* (Vienna, 1590, and Berlin, 1725–26). An abridged edition with a short commentary was published under the title of *Benyan Jerusalem* (Lemberg, 1860).

D. Manuscripts.

In consequence of the terrible persecutions of the Jews during the middle ages, and the destruction of their libraries, so often connected therewith, and especially in consequence of the vandalism repeatedly perpetrated by the Church against the Talmud,* only a very limited number of manuscripts of the same have come down to our time. Codices of single *Sedarim* (sections) and *Masechtoth* (tracts or treatises) are to be found in various libraries of Europe, especially in the Vatican Library of Rome, and in the libraries of Parma, Leyden, Paris, Oxford, Cambridge, Munich, Berlin and Hamburg. The only known complete manuscript of the Babylonian Talmud, written in the year 1369, is in possession of the Royal Library of Munich. A fragment of Talmud Pesachim, of the ninth or tenth century, is preserved in the University Library of Cambridge, and was edited with an autotype facsimile, by W. H. Lowe, Cambridge, 1879.

The Columbia College in the city of New York lately acquired a collection of manuscripts containing the treatises *Pesachim*, *Moed Katon*, *Megilla* and *Zebaehim* of the Babylonian Talmud. These manuscripts came from Southern Arabia, and date from the year 1548.†

* It is stated that at the notorious *auto-da-fe* of the Talmud, held in the year 1249, at Paris, twenty-four cart-loads of Talmud tomes were consigned to the flames. Similar destructions of the Talmud were executed by the order of Pope Julius III., in the year 1553, first at Rome, then at Bologna and Venice, and in the following year in Ancona and other cities. Among the 12,000 tomes of the Talmud that were burned at Cremona, in the year 1559 (see Graetz's "Geschichte d. Juden," X., p. 382), were undoubtedly also numerous manuscripts, though most of them may have been printed copies.

† See Max L. Margolis's "The Columbia College MS. of Meghilla Examined," New York, 1892.

Manuscripts of the *Mishna* or of single Sedarim thereof, some of which dating from the thirteenth century are preserved in the libraries of Parma, of Berlin, of Hamburg, of Oxford, and of Cambridge. That of the last-mentioned library was edited by W. H. Lowe: "The Mishna on which the Palestinian Talmud Rests," etc., Cambridge, 1883.

Of the *Palestinian Talmud* the only manuscript, of considerable extent, is preserved in the Library of Leyden. See S. M. Schiller-Szinessy, "Description of the Leyden MS. of the Palestinian Talmud," Cambridge, 1878. Fragments of the Palestinian Talmud are also to be found in some other libraries, especially in those of Oxford and Parma.

Fuller information concerning MSS. of the Talmud is given in F. Lebrecht's "Handschriften und erste Ausgaben des Babyl. Talmud," Berlin, 1862. See also M. Steinschneider's "Hebräische Bibliographie," Berlin, 1862 and 1863.

E. The Talmud in Print.

a. The Mishna Editions.

Already as early as the year 1492, the first edition of the Mishna, together with the commentary of Maimonides, appeared in Naples. It was followed by several editions of Venice (1546–50, and 1606), of Riva di Trento (1559), and of Mantua (1559–63). In the last-mentioned editions the commentary of Obadia di Bertinoro is added. The editions which have since appeared are very numerous. Those which appeared since the seventeenth century are generally accompanied, besides Bertinoro's commentary, by Lipman Heller's or some other shorter commentaries.

b. The Babylonian Talmud.

The first complete edition of the Babylonian Talmud was published by Daniel Bomberg in twelve folio volumes, Venice, 1520–23. Besides the text, it contains the commentary of Rashi, the Tosephoth, the Piske-Tosephoth, the compendium of Asheri, and the Mishna commentary of Maimonides. This original edition served as model for all editions which subse-

quently appeared at Venice, Basel, Cracow, Lublin, Amsterdam, Frankfort-on-the-Oder, Berlin, Frankfort-on-the-Main, Sulzbach, Dyhernfurt, Prague, Warsaw, Lemberg, and recently at Vienna and Wilna. The later editions were greatly improved by the addition of valuable literary and critical marginal notes and appendices by learned rabbis. But the Basel and most of the subsequent editions, down almost to the present time, have been much mutilated by the official censors of the press, who expunged from the Talmud all those passages which, in their opinion, seemed to reflect upon Christianity, and, besides, changed expressions, especially names of nations and of sects, which they suspected as having reference to Christians.

The Amsterdam editions, especially the first (1644–48), escaped those mutilations at the hand of the censors, and are on this account considered very valuable. Most of the passages which have elsewhere been eliminated or altered by the censors have been extracted from the Amsterdam edition, and published in separate small books. Of these the following two may be mentioned: "Collected Omissions" and "The Omissions," Koenigsberg, 1860.*

A critical review of the complete editions of the Babylonian Talmud and of the very numerous editions of single Masechtoth since the year 1484, was published by Raphael Rabbinovicz, in his Hebrew pamphlet, Munich, 1877.†

The same author also collected and published very rich and important material for a critical edition of the Babylonian Talmud from the above-mentioned manuscript in the Royal Library of Munich and other manuscripts, as well as from early prints of single Masechtoth in various libraries. The title of this very extensive work, written in Hebrew, is *Dikduke Sopherim*, with the Latin title: Variae lectiones in Mishnam et in Talmud Babylonicum, etc., Munich 1868–86. The fifteen volumes in octavo which have appeared of this valuable work comprise only three and a half Sedarim of the six Sedarim of

* In our "Schulchan Aruch und Seine Beziehungen, etc.," mentioned in our appendix about the Münster process, we give a clear explanation about all the corrections by the censor which does not fully agree with this remark. Concerning these omissions, see our "Concluding Words" to Vols. XVII. and XVIII.

† This instructive pamphlet is also reprinted as an appendix to Vol. VIII. of Dikduke Sopherim.

מסכת

ברכות

מן

תלמוד בבלי

עם פירוש רש"י, תוספות, ותוספות ישנים, ופסקי תוספות, רבינו אשר, קצור פסקי הרא"ש לבנו רבינו יעקב בעל הטורים זל, והגהות אשרי מהג"מ ישראל מקרעמנ זל, ופירוש המשניות להרמב"ם זל. פירוש רבינו שמשון משאנץ זל ופירוש רבינו אשר זל למשניות סדר זרעים וטהרות. מבוא התלמוד לרבינו שמואל הנגיד הלוי זל, ועליו נלוה קצור כללי התלמוד מלוקט מספרי הכללים ע"י הג"מ יהודה אריה ליב זל דיין בפפד"ם. מסורת הש"ס, עין משפט (מראה מקומות הדינים בפוסקים הראשונים), ונר מצוה (ספרי מנין הדינים שנסמנו בעין משפט). ותורה אור, כל אלה סידר וחיבר הג"מ יהושע בועז זל בעה"ס שלמי הגבורים להריי"ף. חלופי גרסאות. הגהות לש"ס והוספות במסורת הש"ס ועין משפט להג"מ יוסף שמואל זל אבדק"ק פפד"ם (במש"נ בש"ס אפ"ד ופפד"ם בשנות הע"ד—תס"א), והגהות ותוספות מראה מקומות להג"מ ישעיה (פיק) ברלין זל אבד"ק ברעסלויא, ומפקים בתצאי רבוע.

ועליהם נוספו

א) כפר חכמת שלמה (מהרש"ל) להג"מ שלמה לוריא זל.

ב) חדושי הלכות (מהר"ש"א) להג"מ שמואל אליעזר הלוי אידלש זל אבד"ק קאוסטרא.

ג) חדושי אגדות

ד) מאיר עיני חכמים (מהר"ם לובלין) להג"מ מאיר מלובלין זל.

ה) חדושי הלכות מהר"ם שיק להג"מ מאיר שיק זל אבד"ק פולדא. ועליו באור והגהות מה"מ טרדכי מארדוש זל אבד"ק פארנ"צק.

ו) מעדני יום טוב (פתחלה נקרא מערני מלך) להרא"ש ומסמך להג"מ יום טוב ליפמאן הלוי זל (בפתח"ס הערוך זל ובפתח"ס תוספות ישנים ח"ס).

ז) דברי חמודות (פתחלה נקרא לחם חטורות) בהגהות ותוספות קטנות ובינוניות ובגדולות ונדירות.

ח) פלפולא חריפתא על הרא"ש סדר נזיקין.

ט) תפארת שמואל (השלם) על הרא"ש, להג"מ אהרן שמואל קאידנוור זל (מהר"ש"ק).

י) קרבן נתנאל על הרא"ש לכדר טיעד ונעשים, להג"מ נתנאל ווייל זל אבד"ק קארלסרוא.

יא) חסד אברהם פי' על שמונה פרקים להרמב"ם זל, מה"מ אברהם הלוי הורוויץ זל (אבי של בעל השל"ה).

יב) מסורות חדשות (הגהות בעל הלבוש) להג"מ מרדכי יפה זל אבד"ק פוזנא. עם תקונים והגהות מה"מ מרדכי זאב הלוי אוטינגא זל וגיסו הג"מ יוסף שאול הלוי נאטאנזאהן זל אבד"ק לבוב (בעלי מפרשי הים).

יג) הגהות הב"ח להג"מ יואל סירקש זל אבד"ק קראקא (בעהס"ח בית חדש).

יד) הגהות הגר"א להג"מ אליהו זל הגאון מוילנא (הוגהו ותקנו ע"מ כ"ק מעלין הש"ס שלפר בו וביגו למכבדות רבות מפנו).

טו) מראה יחזקאל הגהות להג"מ יחזקאל הלוי לנדא זל אבד"ק פראג (בעהס"ח נודע ביהודה בו').

טז) מעשה רב הגהות להג"מ בצלאל רגשבורג זל (בעהס"ח הורה נבר).

יז) גליון הש"ס להג"מ עקיבא איגר זל אב"ד דק"ק פוזנן.

יח) גליון מהר"ש"א הגהות לבנו הג"מ שלמה איגר זל אבד"ק פוזנן.

יט) הגהות הג"מ שאול קאנעלבוגן זל מוילנא.

כ) הגהות הג"מ אלעזר לנדא זל אבד"ק בראדי (בעהס"ח יד השל"ה).

כא) חדושי והגהות הרש"ש להג"מ שמואל שטראשון זל מוילנא. עם תוספות בב"ק. וההגמשות שנעשו ממקין הוסבו עתה למקומותיהן, ובוקעות בתצאי רבוע.

(ועוד נוספו בו מעלות ותוספות רבות על כל ספרי הש"ס בליקוטי כמש"נ בש"ס הנמצא דשוכנו משנת תקצ"ה, והנמצא השניה משנת תרי"ם).

וראה זה הדש הוא אשר הוספנו בו על כל אלה

יותר ממאה הוספות חדשות נכבדות

כוללת פירושים חדשים והגהות מרבנן גאוני קדמאי ובתראי דוכם הוי נגיזים עד כה בבתבי יד בגנזי הספרים אשר להמצילה או ליחידים זה בכה וזה בכה, ועין הרפים לא שזפתם עוד. ונקבים בשמותיהם מעבר לדף הזה:

ווילנא

בדפוס והוצאות האלמנה והאחים ראם.

שנת תרנ"ו לפ"ק

TITLE PAGE OF THE LAST EDITION OF THE TALMUD AT WILNA.

the Talmud. It is to be regretted that in consequence of the death of the learned author the completion of this important work has been suspended.

c. The Palestinian Talmud.

Of the Palestinian Talmud (Jerushalmi) only four complete editions appeared:

1. The first edition, published by Daniel Bomberg, Venice, 1523-24, in one folio volume, without any commentary.

2. The *Cracow* edition, 1609, with a short commentary on the margin.

3. The *Krotoshin* edition, 1866, with a commentary like that in the Cracow edition, but added to it are marginal notes, containing references to parallel passages in the Babylonian Talmud, and corrections of text readings.

4. The *Shitomir* edition, 1860-67, in several folio volumes, with various commentaries.

Besides these four complete editions, several parts have been published with commentaries.

CHAPTER VII.

TRANSLATIONS OF THE TALMUD

A. The Mishna.

English Translations.

W. Walton. Translation of the treatises Sabbath and Erubin, London, 1718.

D. A. de Sola and *M. I. Raphall.* Eighteen treatises from the Mishna translated. London, 1843.

Joseph Barclay published under the title "The Talmud" a translation of eighteen treatises of the Mishna with annotations. London, 1878.

C. Taylor. Sayings of the Jewish Fathers (the treatise Aboth). Cambridge, 1877.

Remark.—The treatise "Aboth" has been translated into almost all of the European languages.

B. The Babylonian Talmud.

To translate the Mishna is a comparatively easy task. Its generally plain and uniform language and style of expression, and its compendious character could easily enough be rendered into another language, especially when accompanied by some explanatory notes. But it is quite different with the Gemara, especially the Babylonian. There are, of course, also passages in the Gemara which offer no great difficulties to a translator who is sufficiently familiar with the idiom in which the original is composed. We refer to the historical, legendary and homiletical portions (Hagadas) which the compilers have interspersed in every treatise. The main part of the Gemara, however, which is essentially of an argumentative character, giving minute reports of discussions and debates on the law, this part, so rich in dialectical subtilities, and so full of technicalities and elliptical expressions, offers to the translator almost insurmountable difficulties.

English Translations.

A. W. Streane. Translation of the treatise *Chagiga.* Cambridge, 1891.

Michael L. Rodkinson : Babylonian Talmud—Section Moed (Festivals). Complete, consisting of the following volumes: Vol. I.,* Tract Sabbath (first ten chapters); Vol. II., Tract Sabbath (continued), fourteen chapters; Vol. III., Tract Erubin (Mingling); Vol. IV., Tracts Skekalim (Duties), and Rosh Hashana (Hebrew Calendar); Vol. V., Tract Pesachim (Passover); Vol. VI., Tracts Yomah (Day of Atonement), and Hagiga (Holocaust); Vol. VII., Tracts Betzah (Feast), Succah (Tabernacles), and Moed Katan (Minor Festivals); Vol. VIII., Tracts Taanith (Fasts), Megilla (Book of Esther), and Ebel Rabbathi (Great Mourning).

Section Jurisprudence: Vol. I., Ethics of Judaism, (Tracts Aboth, Aboth of R. Nathan, Derech Eretz, Rabba and Zutta); Vol. II., Bab Kama (First Gate, eight chapters); Vol. III., Baba Metziah (Middle Gate), five chapters, and the last two of

* Of Vol. I. and IV. a second revised and enlarged edition was published.

Baba Kama; Vol. IV., the last five chapters of Baba Metziah; Vol. V.–VI., Baba Bathra (Last Gate, five chapters in each); Vol. VII.–VIII., Sanhedrin; Vol. IX., Maccath, Shebuoth, and Eduyoth; Vol. X., Abuda Zara and Horioth, New York, 1896–1903.*

C. The Palestinian Talmud.

a. Latin Translation.

Blasius Ugolinus, published in volumes XVII.-XXX. of his Thesaurus antiquitatum sacrarum (Venice, 1755–65), the following treatises in Latin: Pesachim (vol. XVII.); Shekalim, Yoma, Succah, Rosh Hashanah, Taanith, Megilla, Chagiga, Betza, Moed Katan (vol. XVIII.); Maaseroth, Maaser Sheni, Challah, Orlah, Biccurim (vol. XX.); Sanhedrin, Maccoth (vol. XXV.); Kiddushin, Sota, Kethuboth (vol. XXX.).

b. German Translations.

Joh. Jacob Rabe, besides translating Berachoth in connection with that treatise in the Babylonian Gemara, as mentioned above, published: Der Talmudische Tractat *Peah*, übersetzt und erläutert. Anspach, 1781.

August Wünsche. Der Jerusalemische Talmud in seinen haggadischen Bestandtheilen zum ersten Male in's Deutsche übertragen. Zurich, 1880.

c. French Translation.

Moise Schwab. Le Talmud de Jerusalem traduit pour la première fois. X. volumes. Paris, 1871–90.

D. Gemara.

M. Schwab, the author of the French translation published in English: The Talmud of Jerusalem. Vol. I. Berachoth. London, 1886.

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* See "Kritische Geschichte der Talmud Übersetzung" by Bischof, p. 62. In this book all the translations from both Talmuds in *all languages* and all tracts or parts of them, with criticisms, are mentioned. The English translations are given here for the English reader.

CHAPTER VIII.

BIBLIOGRAPHY OF MODERN WORKS AND MONOGRAPHS ON TALMUDIC SUBJECTS.

(Arranged with reference to subjects and in alphabetical order of authors).

Hagada.

W. Bacher. Die Agada der Tannaiten. Strasburg, Als. 1884; Die Agada der Babylonischen Amoräer. Strasburg, Als., 1878; Die Agada der Palästinischen Amoräer. Strasburg, Als., 1891; Agada der Palästinischen Amoräer, published 1896, Vol. II., Die Schueler Jochanan's, and 1899 Vol. III., Die letzten Amoräer des heiligen Landes.

S. Back. Die Fabel im Talmud u. Midrasch (in Monatsschrift f. Geschichte u. Wissenschaft d. Judenthums, XXIV., 1875; XXV., 1876; XXIX., 1880; XXX., 1881; XXXII., 1883; XXXIII., 1884).

M. Grünbaum. Beiträge zur vergleichenden Mythologie aus der Haggada (in Zeitschrift d. D. Morgenl. Gesellschaft, vol. XXXI., 1877).

M. Güdemann. Mythenmischung in der Haggada (in Monatsschrift f. Geschichte u. Wissenschaft d. Judenthums, vol. XXV., 1876).

D. Hoffmann. Die Antonius Agadoth im Talmud (in Magazin für Wissenschaft des Judenthums, vol. XIX., 1892).

Archæological.

Ad. Brüll. Trachten der Juden im nachbiblischen Alterthum. Frankf. on the M., 1873.

Franz Delitzsch. Jüdisches Handwerkerleben zur Zeit Jesu, Elangen, 1879. Translated by B. Pick, "Jewish Artisan Life." New York, 1883.

M. H. Friedländer. Die Arbeit nach Bibel u. Talmud. Brünn, 1891.

L. Herzfeld. Metrologische Voruntersuchungen, Geld und Gewicht der Juden bis zum Schluss des Talmuds (in Jahrbuch

für Geschichte der Juden u. des Judenthums, vol. III., pp. 95–191, Leipsic, 1863).

Alex. Kohut. Ist das Schachspiel im Talmud genannt? (Z. d. D. M. G., XLVI., 130–39).

Leopold Löw. Graphische Requisiten und Erzeugnisse bei den Juden, Leipsic, 1870–71; Die Lebensalter in der jüd. Literatur. Szegedin, 1875.

H. Vogelstein. Die Landwirthschaft in Palestina zur Zeit der Mischna. Berlin, 1894.

B. Zuckerman. Ueber Talmudische Münzen u. Gewichte. Breslau, 1862; Das jüdische Maassystem. Breslau, 1867; Technologie u. Terminologie der Handverke in der P. Rieger Mischnah. Berlin, 1895.

Biographical.

Sam. Back. Elischa ben Abuja, quellenmässig dargestellt. Frankf. on the M., 1891.

A. Blumenthal. Rabbi Meir, sein Leben u. Wirken. Frankf., 1889.

M. Braunschweiger. Die Lehrer der Mischna, ihr Leben u. Wirken. Frankf. on the M., 1890.

S. Fessler. Mar Samuel, der bedeutendste Amora. Breslau, 1879.

M. Friedländer. Geschichtsbilder aus der Zeit der Tanaiten u. Amoräer. Brünn, 1879.

S. Gelbhaus. R. Jehuda Hanasi und die Redaction der Mischna. Vienna, 1876.

D. Hoffmann. Mar Samuel, Rector der Academie zu Nahardea. Leipsic, 1873.

M. D. Hoffmann. Biographie des Elischa ben Abuya. Vienna, 1870.

Armand Kaminka. Simon b. Jochai (chapter in the author's Studien zur Geschichte Galilaeas. Berlin, 1890).

Raphael Lévy. Un Tanah (Rabbi Meïr), Étude sur la vie et l'enseignement d'un docteur Juif du II. siècle. Paris, 1883.

L. Lewin. R. Simon b. Jochai. Frankf. on M., 1893.

M. I. Mühlfelder. Rabh. Ein Lebensbild zur Geschichte des Talmud. Leipsic, 1873.

J. Spitz. Rabban Jochanan b. Sakkai, Rector der Hochschule zu Jabneh. Berlin, 1883.

I. Trenel. Vie de Hillel l'Ancient. Paris, 1867.

H. Zirndorf. Some Women in Israel (pp. 119–270, portraying distinguished women of the Talmudic age). Philadelphia, 1892.

F. Kauter. Beitraege zur Kenntniss des Rechtsystems und der Ethik Mar Samuels. Bern, 1895.

A. Kisch. Hillel der Alte, Lebensbild eines jued. Weisen. Prag., 1889.

Chronology and Calendar.

L. M. Lewisohn. Geschichte u. System des jüdischen Kalenderwesens. Leipsic, 1856.

B. Zuckermann. Materialien zur Entwickelung der altjüdischen Zeitrechnung. Breslau 1882.

Customs.

I. M. Cassanowicz. Non-Jewish religious ceremonies in the Talmud (in Proceedings of the American Oriental Society). New York, 1894.

Joseph Perles. Die jüdische Hochzeit in nachbiblischer Zeit. Leipsic, 1860. Die Leichenfeierlichkeiten im nachbiblischen Judenthum. Breslau, 1861.

Remark.—An English translation of both of these two monographs is embodied in "Hebrew Characteristics," published by the American Jewish Publication Society. New York, 1875.

M. Fluegel. Gedanken über religiöse Bräuche und Anschauungen. Cincinnati, 1888.

Dialectics.

Aaron Hahn. The Rabbinical Dialectics. A History of Dialecticians and Dialectics of the Mishna and Talmud. Cincinnati, 1879.

Education.

Blach-Gudensberg. Das Paedagogische im Talmud. Halberstadt, 1880.

M. Duschak. Schulgesetzgebung u. Methodik der alten Israeliten. Vienna, 1872.

Sam. Marcus. Zur Schul-Paedagogik des Talmud. Berlin, 1866.

Joseph Simon. L'éducation et l'instruction d'après la Bible et le Talmud. Leipsic, 1879.

E. Van Gelden. Die Volkeschule des juedischen Alterthums nach Talmudischen Quellen. Berlin, 1872.

J. Wiesen. Geschichte und Methodik der Schulwesens im talmudischen Alterthum. Strasburg, 1892.

J. Lewit. Darstellung der theoretischen und practischen Paedagogik im juedischen Alterthum. Berlin, 1896.

Ethics.

M. Bloch. Die Ethik der Halacha. Budapest, 1886.

Herman Cohen. Die Nächstenliebe im Talmud. Ein Gutachten. Marburg, 1886.

M. Duschak. Die Moral der Evangelien u. des Talmuds. Brünn, 1877.

H. B. Fassel. Tugend- und Rechtslehre des Talmud. Vienna, 1848.

M. Lazarus. Die Ethik des Judenthums. Frankfort a. M., 1898. Translated into English. (The Ethics of Judaism), by Henriette Szold, Vol. I. Philadelphia, 1900–01.

E. Grünebaum. Die Sittenlehre des Judenthums andern Bekentnissen gegenüber. Strasburg, 1878.

M. Güdemann. Nächstenliebe. Vienna, 1890.

Alex. Kohut. The Ethics of the Fathers. A series of lectures. New York, 1885.

L. Lazarus. Zur Charakteristik der talmudischen Ethik. Breslau, 1877.

Marc. Lévy. Essai sur la morale de Talmud. Paris, 1891.

Luzzatto. Israelitische Moraltheologie, deutsch von M. Joel. Breslau, 1870.

S. Schaffer. Das Recht und seine Stellung zur Moral nach talmudischer Sitten- und Rechtslehre. Frankf. on the M., 1889.

N. J. Weinstein, Geschichtliche Entwickelung des Gebotes der Nächstenliebe innerhalb des Judenthums, kritisch beleuchtet. Berlin, 1891.

M. L. Rodkinson. Ahbath Adam ah pe Torah She Bal

peh. In Hebrew—a booklet in the periodical Hakol, Vol. VI. Vienna, 1885. Translated into German as "Nächstenliebe nach den Talmud" in manuscript.

Exegesis.

W. Bacher. Exegesis and Bible Criticism. Ein Woerterbuch der bibelexegetischen Kunstsprache der Tannaiten. Leipsic, 1899.

M. Eisenstadt. Ueber Bibelkritik in der talmud. Literatur. Berlin, 1894.

H. S. Hirschfeld. Halachische Exegese. Berlin, 1840; Die Hagadische Exegese. Berlin, 1847.

S. Waldberg. Darke Hashinnuyim, on the methods of artificial interpretation of Scriptures in the Talmud and Midrash (in Hebrew). Lemberg, 1870.

Geography and History.

A. Berliner. Beiträge zur Geographie u. Ethnographie Babyloniens im Talmud u. Midrasch. Berlin, 1883.

J. Derenbourg. Essai sur l'histoire et la géographie de la Palestine d'après les Talmuds et les autres sources rabbiniques. Paris, 1867.

H. Hildesheimer. Beiträge zur Geographie Palästinas. Berlin, 1886.

Armand Kaminka. Studien zur Geschichte Galilaeas. Berlin, 1890.

Ad. Neubauer. La géographie du Talmud. Mémoire couronné par l'académie des inscriptions et belles-lettres. Paris, 1868.

Law.

a. In General.

Jacques Levy. La jurisprudence du Pentateuque et du Talmud. Constantine, 1879.

S. Mayer. Die Rechte der Israeliten, Athener und Römer. Leipsic, 1862-66.

M. Mielziner. Legal Maxims and Fundamental Laws of the Civil and Criminal Code of the Talmud. Cincinnati, 1898.

M. W. Rapaport. Der Talmud und sein Recht (in Zeitschrift fuer Vergleichende Rechtswissenschaft, XIV. Band. Stuttgart, 1900).

I. L. Saalschütz. Das Mosaische Recht, nebst den vervollständigenden thalmudisch-rabbinischen Bestimmungen. 2d Edition. Berlin, 1853.

S. Schaffer. Das Recht u. seine Stellung zur Moral nach talmudischer Sitten- und Rechtslehre. Frankf. on the M., 1889.

I. M. Wise. The Law (in the Hebrew Review, Vol. I., pp. 12-32. Cincinnati, 1880).

b. Judicial Courts.

Adolph Buechler. Das Synhedrion in Jerusalem. Vienna, 1902.

E. Hoffmann. Der oberste Gerichtshof in der Stadt des Heiligthums. Berlin, 1878.

J. Klein. Das Gesetz ueber das gerichtlische Beweisverfahren nach mosaisch-talmudischen Rechte. Halle, 1885.

J. Selden. De Synedriis et praefecturis juridicis veterum Ebraeorum. London, 1650; Amsterd., 1679; Frankf., 1696.

c. Evidence in Law.

I. Blumenstein. Die verschiedenen Eidesarten nach mosaisch-talmudischem Rechte. Frankf. on the M., 1883.

Z. Frankel. Der Gerichtliche Beweis nach mosaisch-talmudischem Rechte. Berlin, 1846.

D. Fink. "Miggo" als Rechtsbeweis im bab. Talm. Leipsic, 1891.

d. Criminal Law.

O. Bähr. Das Gesetz über falsche Zeugen, nach Bibel u. Talmud. Berlin, 1862.

P. B. Benny. The Criminal Code of the Jews. London, 1880.

M. Duschak. Das mosaisch-talmudische Strafrecht. Vienna, 1869.

J. Fürst. Das peinliche Rechtsverfahren im jüd. Alterthum. Heidelberg, 1870.

E. Goitein. Das Vergeltungsprinzip im bibl. u. talmudischen Strafrecht (in Zeitschrift für Wissenschaft d. J. Vol. XIX.

S. Mendelsohn. The Criminal Jurisprudence of the ancient Hebrews compiled from the Talmud and other rabbinical writings. Baltimore, 1891.

Thonisson. La peine de mort dans le Talmud. Brussels, 1886.

Julius Vargha. Defence in criminal cases with the ancient Hebrews, translated from the first chapter of the author's large work "Vertheidigung in Criminalfällen," and published in the Hebrew Review, Vol. I., pp. 254–268. Cincinnati, 1880.

I. Wiesner. Der Bann in seiner geschichtlichen Entwickelung auf dem Boden des Judenthums. Leipsic, 1864.

e. Civil Law.

L. Auerbach. Das jüdische Obligationsrecht. Berlin, 1871.

M. Bloch. Die Civilprocess-Ordnung nach mosaisch-rabbinischem Rechte. Budapest, 1882.

H. B. Fassel. Das mosaisch-rabbinische Civilrecht. Gr. Kanischa, 1852-54; Das mosaisch-rabbinische Gerichtsverfahren in civilrechtlischen Sachen. Gr. Kanischa, 1859.

S. Keyzer. Dissertatio de tutela secundum jus Talmudicum. Leyden, 1847.

f. Inheritance and Testament.

M. Bloch. Der Vertrag nach mosaisch-talmud. Rechte. Budapest, 1892; Das mosaisch-talmud. Erebrecht. Budapest, 1890;

L. Bodenheimer. Das Testament. Crefeld, 1847.

Eduard Gans. Grundzüge des mosaisch-talmudischen Erbrechts (in Zunz's Zeitschrift für die Wissenschaft des Judenthums, p. 419 sq.).

M. Mielziner. The Rabbinical Law of Hereditary Succession. Cincinnati, 1900.

Moses Mendelssohn. Ritualgesetze der Juden, betreffend Erbschaften Vormundschaft, Testamente, etc. Berlin, 1778, and several later editions.

M. W. Rapaport. Grundsaetze des (talmudischen) Intestaterbrechts und Schenkungen (in Zeitschrift fuer Vergleichende Rechts Wissenschaft, XIV. Band. Stuttgart, 1900.

Joh. Selden. De Successionibus in bona defuncti ad leges Hebraeorum. London, 1646; Frankf., 1696.

A. Wolff. Das Juedische Erbrecht. Berlin, 1888.

g. Police Law.

M. Bloch. Das mosaisch-talmudische Polizeirecht. Budapest, 1878. Translated into English by I. W. Lilienthal in the Hebrew Review, Vol. I. Cincinnati, 1881.

h. Law of Marriage and Divorce.

P. Buchholz. Die Familie nach mos.-talmud. Lehre. Breslau, 1867.

M. Duschak. Das mosaisch-talmudische Eherecht. Vienna, 1864.

Z. Frankel. Grundlinien des mosaisch-talmud. Eherechts. Breslau, 1860.

S. Holdheim. Die Autonomie der Rabbinen und das Princip der jüdischen Ehe. Schwerin, 1847.

L. Lichtschein. Die Ehe nach mosaisch-talm. Auffassung. Leipsic, 1879.

M. Mielziner. The Jewish Law of Marriage and Divorce in ancient and modern times, and its relation to the law of the State. Cincinnati, 1884.

Joh. Selden. Uxor Ebraica sive de nuptiis et divortiis, etc. London, 1646.

I. Stern. Die Frau im Talmud. Zurich, 1879.

D. W. Amram. The Jewish Law of Divorce. Philadelphia, 1896.

i. Laws Concerning Slavery.

D. Farbstein. Das Recht der freien und der unfreien Arbeiter nach juedish-talmudischen Recht. Frankfort o. M., 1896.

M. Mielziner. Verhältnisse der Sklaven bei den alten

Hebräern nach biblischen und talmudischen Quellen. Copenhagen (Leipsic), 1859.

Remark.—An English translation of this treatise was published by Prof. H. I. Schmidt in the *Gettysburg Evang. Review*, Vol. XIII., No. 51, and reprinted in the *Am. Jew's Annual.* Cincinnati, 1886.

I. Winter. Stellung der Sklaven bei den Juden. Breslau, 1886.

Zadok-Kahn. L'esclavage selon la Bible et le Talmud (Paris, 1867); Sklaverei nach Bibel u. Talmud. Deutsch von Singer. Berlin, 1888.

Linguistics.

A. Berliner. Beiträge zur hebräischen Grammatik im Talmud u. Midrasch. Berlin, 1879.

Ad. Brüll. Fremdsprachliche Redensarten u. Wörter in den Talmuden u. Midraschim. Leipsic, 1869.

N. Brüll. Fremdsprachliche Wörter in den Talmuden u. Midraschim (in Jahrbücher für jüd. Geschichte u. Literatur, I., 123–220). Frankf. o. M., 1874.

Sam. Kramer. Griechische und Lateinische Lehnwoerter in Talmud, Midrasch u. Targum. 2 vols. Berlin, 1898–99.

Jos. Perles. Etymologische Studien zur Kunde der rabbinischen Sprache und Alterthümer. Breslau, 1871.

G. Rülf. Zur Lautleüre der aramäisch-talmudischen Dialecte. Breslau, 1879.

Mich. Sachs. Beiträge zur Sprach- und Alterthumsforschung. 2 volumes. Berlin, 1852–54.

Mathematics.

A. Lieberman. Das Pronomen und das Adverbium des babyl.-talmudischen Dialecte. Berlin, 1895.

B. Zuckermann. Das Mathematische im Talmud. Beleuchtung und Eläuterung der Talmudstellen mathematischen Inhalts. Breslau, 1878.

Medicine, Surgery, etc.

Jos. Bergel. Die Medizin der Talmudisten. Leipsic, 1885.

Joach. Halpern. Beiträge zur Geschichte der talm. Chirurgie. Breslau, 1869.

A. H. Israels. Collectanea Gynaecologica ex Talmude Babylonico. Gröningen, 1845.

L. Katzenelsson. Die Osteologie der Talmudisten. Eine talmudisch-anatonische Studie (in Hebrew). St. Petersburg, 1888.

R. I. Wunderbar. Biblisch-talmudische Medicin. 2 volumes. Riga (Leipsic), 1850–60.

Natural History and Sciences.

Jos. Bergel. Studien über die naturwissenschaftlichen Kenntnisse der Talmudisten. Leipsic, 1880.

M. Duschak. Zur Botanik des Talmud. Budapest, 1870.

L. Lewysohn. Die Zoologie des Talmuds. Frankf. on the M., 1858.

Imm. Löw. Aramäische Pflanzennamen. Leipsic, 1881.

Parseeism in the Talmud.

Alexander Kohut. Was hat die talm. Eschatologie aus dem Parsismus aufgenommen? (in Z. d. D. M. G., vol. XXI., pp. 552–91); Die jüdische Angelologie und Daemonologie in ihrer Abhängigkeit vom Parsismus (Leipsic, 1866); Die talmudisch-midraschische Adamssage in ihrer Rückbeziehung auf die pers. Yima und Meshiasage (in Z. d. D. M. G., XXV., pp. 59–94); Die Namen der pers. u. babylonischen Feste im Talmud (in Kobak's Jeschurun, vol. VIII., 49–64). The same subject in Revue des Études Juives, Vol. XXIV.

Poetry.

S. Sekles. The Poetry of the Talmud. New York, 1880.

Proverbs, Maxims, Parables.

L. Dukes. Rabbinische Blumenlese (Leipsic, 1844); Rabbinische Sprachkunde (Vienna, 1851).

J. R. Fürstenthal. Rabbinische Anthologie. Breslau, 1834.

Giuseppe Levi. Parabeln, Legenden u. Gedanken aus Talmud u. Midrasch, aus dem Italienischen ins Deutsche übetragen von L. Seligmann. Leipsic, 1863.

Löwenstein. Sentenzen, Sprüche u. Lebensregeln aus dem Talmud. Berlin, 1887.

Henry Cohen. Talmudic Sayings. Cincinnati, 1895.

G. Tabenhaus. Echoes of Wisdom, or Talmudic Sayings, Part I. Brooklyn, 1900.

Psychology.

M. Jacobson. Versuch einer Psychologie des Talmud. Hamburg, 1878.

I. Wiesner. Zur talmudischen Psychologie (in Magazin für jüdische Geschichte und Literatur, Vol. I., 1874, and II., 1875).

Religious Philosophy and History.

M. Friedländer. Ben Dosa und seine Zeit, oder Einfluss der heidnischen Philosophie auf das Judenthum u. Christenthum. Prague, 1872.

M. Güdemann. Religionsgeschichtliche Studien. Leipsic, 1876.

M. Joel. Blicke in die Religionsgeschichte zu Anfang des II. Jahrhunderts. Breslau, 1880.

A. Nager. Die Religionsphilosophie des Talmud. Leipsic, 1864.

Supernaturalism and Superstition.

Gideon Brecher. Das Transcendentale, Magik und magische Heilarten im Talmud. Vienna, 1850.

David Yoel. Der Aberglaube und die Stellung des Judenthums zu demselben. 2 parts. Breslau, 1881–3.

Alex. Kohut. Jüdische Angelologie u. Daemonologie in ihrer Abhängigkeit vom Parsismus. Leipsic, 1866.

Sal. Thein. Das Princip des planetarischen Einflusses nach der Anschauung des Talmud. Vienna, 1876.

S. Wolffsohn. Oneirologie im Talmud, oder der Traum nach Auffassung des Talmuds. Breslau, 1874.

Popular Treatises and Lectures on the Talmud.

Tobias Cohn. Der Talmud. Ein Vortrag. Vienna, 1866.

Arsem Darmstetter. The Talmud (translated from the French by Henriette Szold). Philadelphia, 1897.

Emanuel Deutsch. What is the Talmud? (in the Quarterly Review for October, 1867, reprinted in the Literary Remains, New York, 1874).

M. Ehrentheil. Der Geist des Talmud. Breslau, 1887.

J. Eschelbacher. Zwei Reden ueber den Talmud. Frankfort o. M., 1897.

Karl Fischer. Gutmeinung über den Talmud. Vienna, 1883.

H. Goitein. Anklaeger und Vertheidiger des Talmud. Frankf. o. M., 1897.

Sams. Raph. Hirsch. Beziehung des Talmuds zum Judenthum und zur sozialen Stellung seiner Bekenner. Frankf. o. M., 1884.

P. I. Hershon. Talmudic Miscellany. London, 1880.

P. L. Hershon. Treasures of the Talmud. London, 1882.

Abram S. Isaacs. Stories from the Rabbis. New York, 1893.

A. Jellinek. Der Talmud. Zwei Reden (Vienna, 1865); Der Talmudjude. 4 Reden (Vienna, 1882-83).

M. Joel. Gutachten über den Talmud. Breslau, 1877.

Albert Katz. Der wahre Talmudjude. Die wichtigsten Grundsätze des talmudischen Schriftthums über das sittliche Leben des Menschen. Berlin, 1893.

S. Klein. Die Wahrheit über den Talmud (aus dem Franzōsischen "La verité sur le Talmud," übersetzt von S. Mannheimer. Basel, 1860.

Isidore Loeb. La Controverse sur le Talmud sous Saint Louis. Paris, 1881.

H. Polano. The Talmud, Selections from the contents of that ancient book. London, 1876.

Ludwig Philippson. Zur Characteristik des Talmuds (in "Weltbewegende Fragen." Vol. II., pp. 349–416. Leipsic, 1869).

Em. Schreiber. The Talmud. A series of (4) Lectures. Denver, 1884.

L. Stern. Ueber den Talmud. Vortrag. Wurzburg, 1875.

J. Stern. Lichtstrahlen aus dem Talmud. Zurich, 1883.

A. A. Wolff. Talmudfjender (the Enemies of the Talmud), in Danish. Copenhagen, 1878.

August Wünsche. Der Talmud. Eine Skizze. Zurich, 1879.

M. L. Rodkinson. What is the Talmud? (A book in Hebrew, the first chapter of which is translated into English as an appendix to the Pentateuch. Its language and characters). Chicago, 1894. In the first prospectus issued by the New Amsterdam Book Co., it is republished with additional remarks.

CHAPTER IX.

WHY SHOULD CHRISTIANS FEEL INTERESTED IN THE TALMUD? *

Christian theology and Jewish theology having really followed two parallel paths, the history of either cannot be understood without the history of the other. Numberless material details of the gospels find, moreover, their commentary in the Talmud. . . The distinction of epochs is here very important, the compilation of the Talmud extending from the year 200 to the year 500 nearly.—*Renan's "Life of Jesus," Introduction.*

Is the literature that Jesus was familiar with in his early years yet in existence in the world? Is it possible for us to get at it? Can we ourselves review the ideas, the statements, the modes of reasoning and thinking, on moral and religious subjects, which were current in his time, and must have been revolved by him during those silent thirty years when he was pondering his future mission? To such inquiries the learned class of Jewish rabbis answer by holding up the Talmud. Here, say they, is the source from whence Jesus of Nazareth drew the teachings which enabled him to revolutionize the world; and the question becomes, therefore, an interesting one to every Christian, What is the Talmud? . . .

The Talmud, then, is the written form of that which, in the time of Jesus, was called the Traditions of the Elders, and to which he makes frequent allusions. What sort of book is it?

The answer is at first sight discouraging to flesh and spirit. The Talmud appears to view in form of fourteen heavy folio volumes, of thick, solid Hebrew and Aramaic consonants, without a vowel to be seen from the first word of the first volume

* Many learned men, as is well known to any student, have in each century since the close of the Talmud written about the necessity of Talmudic studies, even for non-Jews. We have, nevertheless, selected for quotation some statements of modern scholars of this century, to the effect that the study of the Talmud is highly useful to Christian theologians.

to the last word of the last. Such is the Jewish Talmud, including both the Jerusalem and the Babylonian. Who can read it? It can be read, for it has been read . . .

The Talmud is the great repository of the mental products of a most vigorous and vivid race of thinkers, through long ages of degradation, persecution, oppression, and sorrow; and, as such, few human works are more worthy of, or will better repay, the student of human nature . . .

What light it may shed on the words of Jesus and Paul to know the modes of thought which were such a perfect world in their time! When Paul speaks of his studies at the feet of Gamaliel, one of the principal authors of the Talmud, of his profiting in the matters of law above many of his equals, we see him, an ardent young enthusiast, on the way to become an accomplished rabbi, perhaps even a Nasi, in some future day, and we understand what he means when he says, "But what things were gain to me, these I counted loss to Christ." It was a whole education and a whole life's work that he threw at the feet of his new Master.

Looking at the Talmud in contrast with any other ancient sacred writings extant in the world, except the Bible, we must be struck with its immense superiority . . .

I desire, in conclusion, to express my obligations to the ponderous erudition of the two older standard authors on this subject . . .

The writings of Dukes, an author of our own day, are especially rich in regard to Rabbinic proverbs and apologues; and in one of his prefaces he expresses the hope that they may be of some use even to that rather numerous body of Christians who give little other evidence of being Christians at all, except that of hating the Jews.—*Atlantic Monthly*, vol. 21, p. 673, *sq.*

The science of our day owes to itself the duty of studying the Talmud impartially. It will judge worthy of its attention this monument of a religion and a civilization whose influence has not been void in the world, and whatever its absolute value may be adjudged to be, science will understand it, and study its formation and development. It will demand of the Talmud instruction, or, at least, information, almost as varied as the subjects coming within the compass of science. The historian will address himself to it for light upon the history of the

earlest centuries of the Christian era, and of the centuries immediately preceding it, and though not seeking in it precise data, which it cannot furnish, he will be sure to find a faithful picture of the beliefs and ideas of the Jewish nation on its moral and spiritual life. The naturalist will ask of it numerous questions concerning the sciences, physical, natural, or medical. Has it ever occurred to any one to compile, if not the fauna, at least the flora of the Talmud; that is, of the Palestine and Babylonia contemporary with the Empire? It were easy with it as a basis to furnish a second edition of Pliny's *Natural History*, certainly as valuable as the first. The lawyer will question it on the history of its jurisprudence, will investigate whether, how, and by what intermediaries Roman law and Persian customs influenced it, and it will be a curious study to compare the results that two different civilizations, directed by opposite principles, have reached in the *jus civile* and the *jus Talmudicum*. The mythologist will dive into its legends, and, by a nice application of the comparative method, determine the history of Midrashic mythology. The philologist will devote himself to the language—that abrupt, rough language by means of which the Talmud seems to please itself in heaping up obscurities of form over those of the thought, and he will be sure to make more than one happy find. For, says the author of the *History of the Semitic Languages*, "the lexical spoliation and grammatic analysis of the Talmudic language, according to the methods of modern philology, remain to be made . . . That language fills a hiatus in the history of Semitic idioms.

Finally, the philosopher will demand of the Talmud the explanation of Judaism and the history of Jewish institutions, and as the Talmudic books offer the completest expression thereof, and as he has at hand all the component elements, a scrupulous analysis will give him the law of the development of the Jewish religion.—*Darmesteter*, "*The Talmud*," p. 96.

Here we have an attempt—and the attempt is praiseworthy—to put the Talmud, or the substance of it, into *plain English*, and for this the Christian reader, if not the learned rabbi, must be grateful to the translator.—*Independent*, April 7, 1898.

Published in the second prospectus issued by the New Talmud Publishing Co., adding to them some remarks of Mielziner's

address to the senior class of the Union Hebrew College at Cincinnati, some years ago:

"To impress you the more with the necessity of the Talmudic studies for a clear conception of Judaism and its history, I could also quote the opinions of many of our greatest scholars, but shall confine myself only to a quotation from the writings of two of our most renowned scholars whom none will suspect of having been biased by a too great predilection for the Talmud; one is the late Dr. Geiger, and the other our great historian, the late Dr. Jost.

"*Geiger* (*Das Judenthum und seine Geschichte*, I., p. 155) in speaking of the Talmud and the rabbinical literature, says:

"'Gigantic works, productions of gloomy and brighter periods are here before us, monuments of thought and intellectual labor; they excite our admiration. I do not indorse every word of the Talmud, nor every idea expressed by the teachers in the time of the Middle Ages, but I would not miss a tittle thereof. They contain an acumen and power of thought which fill us with reverence for the spirit that animated our ancestors, a fulness of sound sense, salutary maxims—a freshness of opinion often bursts upon us that even to this day exercises its enlivening and inspiring effect.'

"*Jost* in his *Geschichte des Judenthum's und seiner Secten*, II., 202, characterizes the Talmud by the following masterly words:

"'The Talmud is a great mine, in which are imbedded all varieties of metals and ores. Here may be found all kinds of valuables, the finest gold and rarest gems, as also the merest dross. Much has been unearthed that has realized countless profit to the world. The great spiritual work whose outcome has been apparent in the advancement of religion has shown that the Talmud is not only of incalculable value in the pursuit of wisdom, but that it has a self-evident significance for all times, which can not be shown by any mere extracts from its pages, and that it can not be disregarded on the plea of its antiquity as valueless in the knowledge of the Jewish religion. Indeed it is and must remain the chief source of this knowledge, and particularly of the historical development of the Jewish religion. More than this, it is the abode of that spirit which has inspired that religion, these many centuries, that spirit from

which even those who sought to counteract it could not escape. It is and will remain a labyrinth with deep shafts and openings, in which isolated spirits toil with tireless activity, a labyrinth which offers rich rewards to those who enter impelled by the desire to gain, not without hidden dangers to those who venture wantonly into its mazes and absorb its deadly vapors. Religion has created this work, not indeed to give utterance in an unsatisfactory way to the great questions of Deity and Nature, Mortality and Eternity, and not to carry on controversies upon the proper formulation of articles of faith, but to give expression to a religion of deed, a religion designed to accompany man from the first steps in his education until he reaches the grave, and beyond it; a guide by which his desires and actions are to be regulated at every moment, by which all his movements are to be guarded, that takes care even of his food and drink, of his pleasures and pains, of his mirth and sorrow, and seeks to elevate him, at all times, to an enunciation of the purest faith.

"'It is thus that this spirit, which breathes from the Talmud, enters into the nation's inmost life. It offers repeated recitals of the various modes of thinking, practising, believing, of the true and false representations, of hopes and longings, of knowledge and error, of the great lessons of fate, of undertakings and their consequences, of utterances and their effects, of persons and their talents and inaptitudes, of words and examples, of customs, both in matters of public worship and private life; in short, of all the happenings, past or cotemporary, in the time which the Talmud comprises, *i.e.*, a period of nearly one thousand years, excluding the Bible times.

"'Hence, also, its great value to antiquarians in the frequent allusions to facts, opinions and statements, to modes of expression and grammatical construction, to peculiarities of every kind, which at the same time afford a view of the development of mankind, such as no other work of the past gives.

"'To treat the Talmud with scorn because of its oddness, on account of much that it contains that does not conform to our maturer modes of thinking, because of its evident errors and misconceptions—errors from ignorance or errors in copying—to throw it overboard, as it were, as useless ballast, would be

to insult all history, to deprive it of one of its strongest limbs, to dismember it.

"'To dam up its channels by taking away the Talmud, would be to close the access to the head waters and living sources of the Jewish religion, and thus leave her again in a desert land, after the tables of the law have already called forth a world of life and activity. It would be turning one's back, as it were, denying and disregarding one's own. There is a historical justification for the sharply defined modes of worship and religious forms that have their embodiment in set words and in fixed deeds. For this we must look to the Talmud. Judaism is rooted in the Talmud and would be tossed about in mid-air if torn from its soil, or require a new planting and a new growth.'

"In conclusion, my young friends, let me say this:

"If our College had no other purpose than to graduate common Sabbath school teachers who should be able to occasionally deliver popular though superficial lectures, the study of the Talmud, as well as that of our rabbinical and philosophical literature, might have been stricken from the course of your studies. But our College has a higher aim and object. Its object is to educate future guides and leaders of our congregations, to educate banner-bearers of Judaism, representatives and cultivators of Jewish knowledge and literature.

"You can never expect to answer this purpose without a thorough knowledge of, and familiarity with, that vast literature that offers us the means to follow and understand the religious formation, the growth and the entire course of development of Judaism from its beginning to the present time."

CHAPTER X.

OPINIONS ON THE VALUE OF THE TALMUD BY GENTILES AND MODERN JEWISH SCHOLARS.

No literary monument of antiquity has ever been subject to so different and opposite views and opinions, as the Talmud. Its strict followers generally looked upon it as the very embodiment of wisdom and sagacity, and as a work whose authority was second only to that of the Bible. In the non-Jewish literature it was often decried as "one of the most repulsive

books that exist," as "a confused medley of perverted logic, absurd subtilities, foolish tales and fables, and full of profanity, superstition, and even obscenity," or at the most, as "an immense heap of rubbish at the bottom of which some stray pearls of Eastern wisdom are hidden."

It is certain that many of those who thus assumed to pass a condemning judgment upon the gigantic work of the Talmud never read nor were able to read a single page of the same in the original, but were prompted by religious prejudice and antagonism, or they based their verdict merely on those disconnected and often distorted passages which Eisenmenger and his consorts and followers picked out from the Talmud for hostile purposes.

Christian scholars who had a deeper insight into the Talmudical literature, without being blinded by religious prejudices, expressed themselves quite differently on the character and the merits of that work, as may be seen from the following few quotations.

Johann Buxtorf, in the preface to his Lexicon Chald. et Talmudicum, says: "The Talmud contains many legal, medical, physical, ethical, political, astronomical, and other excellent documents of sciences, which admirably commend the history of that nation and time; it contains also luminous decisions of antiquity; excellent sayings; deep thoughts, full of grace and sense; and numerous expressions which make the reader not only better, but also more wise and learned, and which, like unto flashing jewels, grace the Hebrew speech not less than all those Greek and Roman phrases adorn their languages."

Other favorable opinions expressed by Christian scholars of the sixteenth to eighteenth centuries are collected in Karl Fischer's "Gutmeinung über den Talmud der Hebräer." Vienna, 1883.

Of such scholars as belong to our time, the following may be quoted here:

The late *Professor Delitzsch* in his "*Jüdisches Handwerkerleben zur Zeit Jesu*," says:

"Those who have not in some degree accomplished the extremely difficult task of reading this work for themselves, will hardly be able to form a clear idea of this polynomical colossus. It is an immense speaking-hall, in which thousands and tens of

thousand of voices, of at least five centuries, are heard to commingle. A law, as we all know from experience, can never be so precisely formulated that there does not remain room for various interpretations; and question upon question constantly arises as to the application of it to the endless multiplicity of the existing relations of life. Just imagine about ten thousand decrees concerning Jewish life classified according to the spheres of life, and in addition to these, about five hundred scribes and lawyers, mostly from Palestine and Babylon, taking up one after another of these decrees as the topic of examination and debate, and, discussing with hair-splitting acuteness every shade of meaning and practical application; and imagine, further, that the fine-spun thread of this interpretation of decrees is frequently lost in digressions, and that, after having traversed long distances of such desert-sand, you find, here and there, an oasis, consisting of sayings and accounts of more general interest. Then you may have some slight idea of this vast, and of its kind, unique, juridic codex, compared with whose compass all the law-books of other nations are but Lilliputians, and beside whose variegated, buzzing market din, they represent but quiet study-chambers."

J. Alexander, in his book on *The Jews; their Past, Present and Future* (London, 1870), says:

"The Talmud, as it now stands, is almost the whole literature of the Jews during a thousand years. Commentator followed upon commentator, till at last the whole became an immense bulk; the original Babylonian Talmud alone consists of 2,947 folio pages. Out of such literature it is easy to make quotations which may throw an odium over the whole. But fancy if the production of a thousand years of English literature, say, from the "History" of the Venerable Bede to Milton's "Paradise Lost," were thrown together into a number of uniform folios, and judged in like manner; if because some superstitious monks wrote silly "Lives of Saints," therefore the works of John Bunyan should also be considered worthless. The absurdity is too obvious to require another word from me. Such, however, is the continual treatment the Talmud receives both at the hand of its friends and of its enemies. Both will find it easy to quote in behalf of their preconceived notions, but the earnest student will rather try to weigh the matter im-

partially, retain the good he can find even in the Talmud, and reject what will not stand the test of God's word."

The impartial view of the Talmud taken by modern Jewish scholars may be seen from the following opinion expressed by the late *Professor Graetz* in his "History of the Jews" (vol. IV., 308 sq.).

"The Talmud must not be considered as an ordinary literary work consisting of twelve folios; it bears not the least internal resemblance to a single literary production; but forms a world of its own which must be judged according to its own laws. It is, therefore, extremely difficult to furnish a specific sketch of the Talmud, seeing that a familiar standard or analogy is wanting. And however thoroughly a man of consummate talent may have penetrated its spirit and become conversant with its peculiarities, he would scarcely succeed in such a task. It may, in some respects, be compared with the Patristic literature, which sprang up simultaneously. But on closer inspection, this comparison will also fail. . . .

"The Talmud has at different times been variously judged on the most heterogeneous assumptions, it has been condemned and consigned to the flames; simply because it was presented in its unfavorable aspect without taking into consideration its actual merits. It cannot be denied that the Babylonian Talmud labors under some defects, like any other mental product, which pursues a single course with inexorable consistency and undeviating dogmatism. These defects may be classified under four heads: the Talmud contains some unessential and trival subjects, which it treats with much importance and a serious air; it has adopted from its Persian surroundings superstitious practices and views, which presuppose the agency of intermediate spiritual beings, witchcraft, exorcising formulas, magical cures and interpretations of dreams and, hence, are in conflict with the spirit of Judaism; it further contains several uncharitable utterances and provisions against members of other nations and creeds; lastly it favors a bad interpretation of Scripture, absurd, forced and frequently false commentations. For these faults the whole Talmud has been held responsible and been denounced as a work devoted to trifles, as a source of immorality and trickery, without taking into consideration that it is not a work of a single author who must be responsible

for every word, and if it be so, then the whole Jewish people was its author. Over six centuries are crystallized in the Talmud with animated distinctness, in their peculiar costumes, modes of speech and of thought, so to say a literary Herculaneum and Pompeii, not weakened by artistic imitation, which transfers a colossal picture to the narrow limits of a miniature. It is, therefore, no wonder, if in this world sublime and mean, great and small, serious and ridiculous, Jewish and heathen elements, the altar and the ashes, are found in motley mixture. Those odious dicta of which Jew-haters have taken hold were in most cases nothing else but the utterances of a momentary indignation, to which an individual had given vent and which were preserved and embodied in the Talmud by over-zealous disciples, who were unwilling to omit a single expression of the revered ancients. But these utterances are richly counterbalanced by the maxims of benevolence and philanthropy towards every man, regardless of creed and nationality, which are also preserved in the Talmud. As counterpoise to the rank superstition, there are found therein sharp warnings against superstitious, heathen practices (Darke Emori), to which subject a whole section, under the name of *Perek Emorai*, is devoted.*

"The Babylonian Talmud is especially characterized and distinguished from the Palestinian, by high-soaring contemplations, a keen understanding, and flashes of thought which fitfully dart through the mental horizon. An incalculable store of ideas and incentives to thinking is treasured in the Talmud, but not in the form of finished themes that may be appropriated in a semi-somnolent state, but with the fresh coloring of their inception. The Babylonian Talmud leads into the laboratory of thought, and its ideas may be traced from their embryonic motion up to a giddy height, whither they at times soar into the region of the incomprehensible. For this reason it became, more than the Jerusalemean, the national property, the vital breath, the soul of the Jewish people ——"

* Sabbath, 66a ; Toseptha, Ch. VII., VIII.

PART II.

ETHICS OF THE TALMUD.

CHAPTER I.

TALMUDICAL ETHICS.

"Ethics is the flower and fruit on the tree of religion. The ultimate aim of religion is to ennoble man's inner and outer life, so that he may love and do that only which is right and good. This is a biblical teaching which is emphatically repeated in almost every book of Sacred Scriptures. Let me only refer to the sublime word of the prophet Micah: 'He hath showed thee, O man, what is good, and what doth the Lord require of thee, but to do justice and to love kindness and to walk humbly with thy God?' (Micah vi., 8.)

"As far as concerns the Bible, its ethical teachings are generally known. Translated into all languages of the world, that holy book is accessible to every one and whoever reads it with open eyes and with an unbiased mind will admit that it teaches the highest principles of morality, principles which have not been surpassed and superseded by any ethical system of ancient or modern philosophy.

"But how about the Talmud, that immense literary work whose authority was long esteemed second to that of the Bible? What are the ethical teachings of the Talmud?

"Although mainly engaged with discussions of the Law, as developed on the basis of the Bible during Israel's second commonwealth down to the sixth century of the Christian era, the Talmud devotes also much attention to ethical subjects. Not only are one treatise of the Mishna (*Pirke Aboth*) and some Boraithoth (as *Aboth d'R. Nathan* and *Derech Eretz*) almost exclusively occupied with ethical teachings, but such teachings are also very abundantly contained in the Hagadic (homiletical)

passages which are so frequently interspersed in the legal discussions throughout all parts of the Talmud.*

"It must be borne in mind that the Talmudical literature embraces a period of about eight centuries, and that the numerous teachers whose ethical views and utterances are recorded in that vast literature, rank differently in regard to mind and authority. At the side of the great luminaries, we find also lesser ones. At the side of utterances of great, clear-sighted and broad-minded masters with lofty ideas, we meet also with utterances of peculiar views which never obtained authority. Not every ethical remark or opinion quoted in that literature can, therefore, be regarded as an index of the standard of Talmudical ethics, but such opinions only can be so regarded which are expressed with authority and which are in harmony with the general spirit that pervades the Talmudic literature.

"Another point to be observed is the circumstance that the Talmud does not treat of ethics in a coherent, philosophical system. The Talmudic sages made no claim of being philosophers; they were public teachers, expounders of the Law, popular lecturers. As such, they did not care for a methodically arranged system. All they wanted was to spread among the people ethical teachings in single, concise, pithy, pointed sentences, well adapted to impress the minds and hearts, or in parables or legends illustrating certain moral duties and virtues. And this, their method, fully answered its purpose. Their ethical teachings did actually reach the Jewish masses, and influenced their conduct of life, while among the Greeks, the ethical theories and systems remained a matter that concerned the philosophers only, without exercising any educating influence upon the masses at large.

"Furthermore, it must be remembered that the Talmudical ethics is largely based on the ethics of the Bible. The sacred treasure of biblical truth and wisdom was in the minds and hearts of the Rabbis. This treasury they tried to enrich by their own wisdom and observation. Here they develop a principle contained in a scriptural passage, and give it a wider

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"* Also the *Midrash*, a post-Talmudic collection of extracts from popular lectures of the ancient teachers on biblical texts, contains an abundance of ethical teachings and maxims advanced by the sages of the Talmud, which must likewise be taken into consideration when speaking of Talmudical Ethics.

scope and a larger application to life's various conditions. There they crystallize great moral ideas into a pithy, impressive maxim as a guide for human conduct. Here they give to a jewel of biblical ethics a new lustre by setting it in the gold of their own wisdom. There again they combine single pearls of biblical wisdom to a graceful ornament for human life."—*M. Mielziner.*

There are many books written upon the ethics of the Talmud which are enumerated in the bibliography. The most excellent of these is the philosophical book of Professor Lazarus, "Ethik des Judenthums," in German, Frankfort o. M., 1898, the first volume of which is translated into English by the Jewish Publication Society. The second volume of this work, we have heard, is ready for or already in print.*

However, to enable the reader, to get an idea of the Talmud Ethics, without troubling him with the various books in different languages, an extract which was made by Mielziner shall be given in this book, whose selections are so excellent that practically we have nothing to add. We, however, would call the attention of the reader to a book written by us in our periodical *Hacol*, Vol. VI., Vienna, 1885 (translated into German but not yet published), in which the subject of love of mankind is explained in two parallels, that of the Talmud and that in which we have drawn a parallel between the conceptions of both Talmud and Evangelium as to the moral content of the principle of Love. An extract of this explanation we should like to give here:

The commandment in the Old Testament (Leviticus xix., 17): "Love thy neighbor as thyself," the Talmud interprets in a negative sense by the words of Hillel, the elder, thus: "That which thou likest not being done unto thyself do not unto thy neighbor," and this rule the Talmud adopts in all the ways of charity, and in all affairs in which man comes in contact with

* We cannot restrain ourselves from expressing our great sorrow over the death of this great man which occurred this year. He was our friend and patron, and many days and weeks we had been fortunate to spend in his company, when, in 1883, we had the pleasure to read before him the several thousand quotations from the Talmud, which we had prepared for his work, "Ethik des Judenthums," at his request. We certainly do not know how many of them he has made use of. However, he wrote us a few years ago that our name and service would be mentioned in the second volume of his book. To our great sorrow he departed before the second volume was published.

his fellow-man; *e.g.*, based upon this biblical commandment it is forbidden to betroth a woman before seeing her, for he may dislike her thereafter, and as one does not wish to be disliked himself, he must not cause another to be disliked. And so in all connections with one's neighbor, it is forbidden to do him any harm whatsoever, because one dislikes that he himself should be harmed. Also concerning the duties of charity, numerous special commandments are to be found in the Old Testament. The Talmud explains most of them negatively, viz.: "Thou shalt not leave thy neighbor to suffer any pain whatsoever, but thou shalt prevent it by supplying him with whatsoever thou canst afford." However, the rich man is not obliged to divide his money or property with the poor, nor to supply him with luxuries if the poor man had not been used to them before he became poor. (More details will be found in each subject mentioned further on.) Hence this obligation which is proper and in accordance with common sense, can be fulfilled by every one without any difficulty. The Evangelist, however, interprets the passage (Levit. xix., 17) in a positive sense (Matt. vii., 12): "Therefore all things *whatsoever* ye would that men should do to you, do ye even so to them, for this is the Law and the prophets." After a deep consideration, it is almost impossible for one to entirely fulfil this commandment. According to this, one must divide his money and property with those not possessing such. "Whatsoever ye would that men should do to you!" Who then would not want to be rich and to live luxuriously; to ride instead of going on foot, to be dressed in the best garments according to the latest style, etc.? Hence if one would like to live up to the words of the Evangelist, he must see that the life of his poor neighbor should be made exactly equal to his own life, which certainly can never and was never accomplished. The same is with the command in Luke vi., 29: "And unto him that smiteth thee on the *one* cheek offer also the other," which was never and will never be fulfilled, as this is against the nature of mankind, especially when one is in wrath whilst being beaten. Therefore nothing of this kind is to be found in the Talmud. On the contrary the Talmud says: "He who raises his hand to strike his neighbor is already considered wicked even before he has smitten him." The above-mentioned book quotes this

parallel in every affair in which human beings come in contact with each other. It is remarkable that in the explanation of Deut. vi., 4, "Thou shalt love the Lord, thy God, etc.," the Talmud also does not interpret this literally, thinking that it is impossible to impose upon the heart to love, especially Him whom one has never seen, and of whom one has not even a correct idea. Therefore they interpreted this passage thus, "The name of the Lord shall be loved through thy treatment of thy fellow-men, viz. "thy commerce with men should be just and peaceful; thy 'yes' should be firm and thy 'no' unvariable; so that it should be proclaimed: 'Hail the man who follows the Law of the Lord, which is Love thy fellow-men! Therefore let us and our children also study this magnificent Law.' The result evidently is that the name of the Lord is glorified through thee ——"

All the ethics of the Talmud are thus set up with a view to make their observance possible in all their particulars, which is not the case with the teaching of the Evangelist.

Finally, we beg to quote the beginning of the first chapter of the above-mentioned book:—Abyye used to say: "One should be always keen in the fear of God; use meek talk, prevent wrath, bestow thy greeting upon every one in the market, even if he be a stranger. This will cause you to be loved by Heaven and liked by thy fellow-men." It was said about R. Yohanan b. Zakkai, that it never happened that he should have been greeted first (for he was it who greeted every one first, as soon as he perceived him).*

CHAPTER II.

Let us now try to give a few outlines of the ethical teachings of the Talmud. In the first place, concerning

Man as a Moral Being.

In accordance with the teaching of the Bible, the rabbis duly emphasize man's dignity as a being created in the like-

* This paragraph is said by Abyye in pure Bible-Hebrew, which was not the language used by him in every-day talk. We infer from this and also from the expression "*he used to say*," that he only quoted a traditional proverb which was established ever since the oral law had been started.

ness of God. By this likeness of God they understand the spiritual being within us, that is endowed with intellectual and moral capacities. The higher desires and inspirations which spring from this spiritual being in man, are called *Yetzer tob*, the good inclination; but the lower appetites and desires which rise from our physical nature and which we share with the animal creation, are termed *Yetzer ha-ra*, the inclination to evil. Not that these sensuous desires are absolutely evil; for they, too, have been implanted in man for good purposes. Without them man could not exist, he would not cultivate and populate this earth, or, as a Talmudical legend runs: Once, some over-pious people wanted to pray to God that they might be able to destroy the *Yetzer ha-ra*, but a warning voice was heard, saying: "Beware, lest you destroy this world!" Evil are those lower desires only in that they, if unrestrained, easily mislead man to live contrary to the demands and aspirations of his divine nature. Hence the constant struggle in man between the two inclinations. He who submits his evil inclination to the control of his higher aims and desires is virtuous and righteous. "The righteous are governed by the *Yetzer tob*, but the wicked by the *Yetzer ha-ra*. The righteous have their desires in their power, but the wicked are in the power of their desires."

Free-will.

Man's free-will is emphasized in the following sentences: "Everything is ordained by God's providence, but freedom of choice is given to man." "Everything is foreordained by heaven, except the fear of heaven," or, as another sage puts it: Whether man be strong or weak, rich or poor, wise or foolish depends mostly on circumstances that surround him from the time of his birth, but whether man be good or bad, righteous or wicked, depends upon his own free-will.

God's Will, the Ground of Man's Duties.

The ground of our duties, as presented to us by the Talmudical as well as the biblical teachings, is that it is the will of God. His will is the supreme rule of our being. "Do His will as thy own will, submit thy will to His will." "Be bold as a

leopard, light as an eagle, swift as a roe, and strong as a lion, to do the will of thy Father, who is in heaven."

Man Accountable to God for his Conduct.

Of man's responsibility for the conduct of his life, we are forcibly reminded by numerous sentences, as: "Consider three things, and thou wilt never fall into sin; remember that there is above thee an all-seeing eye, an all-hearing ear, and a record of all thy actions." And again, "Consider three things, and thou wilt never sin; remember whence thou comest, whither thou goest, and before whom thou wilt have to render account for thy doings."

Higher Motives in Performing our Duties.

Although happiness here and hereafter is promised as reward for fulfilment, and punishment threatened for neglect of duty, still we are reminded not to be guided by the consideration of reward and punishment, but rather by love and obedience to God, and by love to that which is good and noble. "Be not like servants, who serve their master for the sake of reward." "Whatever thou doest, let it be done in the name of heaven" (that is, for its own sake).

Duty of Self-Preservation and Self-Cultivation.

As a leading rule of the duties of *self-preservation* and *self-cultivation*, and, at the same time, as a warning against selfishness, we have Hillel's sentence: "If I do not care for myself, who will do it for me? and if I care only for myself, what am I?"

The duty of *acquiring knowledge*, especially knowledge of the Divine Law (Torah), which gives us a clearer insight in God's will to man, is most emphatically enjoined in numerous sentences: "Without knowledge there is no true morality and piety." "Be eager to acquire knowledge, it does not come to thee by inheritance." "The more knowledge, the more spiritual life." "If thou hast acquired knowledge, what dost thou lack? but if thou lackest knowledge, what hast thou acquired?"

But we are also reminded that even the highest knowledge is of no value, as long as it does not influence our moral life. "The ultimate end of all knowledge and wisdom is man's inner purification and the performance of good and noble deeds." "He whose knowledge is great without influencing his moral life is compared to a tree that has many branches, but few and weak roots; a storm cometh and overturneth it."

Labor.

Next to the duty of acquiring knowledge, that of *industrious labor* and *useful activity* is strongly enjoined. It is well known that among the ancient nations in general manual labor was regarded as degrading the free citizen. Even the greatest philosophers of antiquity, Plato and Aristotle, could not free themselves of this deprecating view of labor. How different was the view of the Talmudic sages in this respect! They say: "Love labor, and hate to be a lord." "Great is the dignity of labor; it honors man." "Beautiful is the intellectual occupation, if combined with some practical work." "He who does not teach his son a handicraft trade, neglects his parental duty." "He who lives on the toil of his hands is greater than he who indulges in idle piety."

In accordance with these teachings, some of the most prominent sages of the Talmud are known to have made their living by various kinds of handicraft and trade.

Cardinal Duties in Relation to Fellow-men.

Regarding man's relation to fellow-men, the rabbis consider *justice*, *truthfulness*, *peaceableness* and *charity* as cardinal duties. They say, "The world (human society) rests on three things—on justice, on truth and on peace."

Justice.

The principle of *justice* in the moral sense is expressed in the following rules: "Thy neighbor's property must be as sacred to thee as thine own." "Thy neighbor's honor must be as dear to thee as thine own." Hereto belongs also the golden

rule of Hillel: "Whatever would be hateful to thee, do not to thy neighbor."

Truth and Truthfulness.

The sacredness of *truth* and *truthfulness* is expressed in the sentence: "Truth is the signet of God, the Most Holy." "Let thy yea be in truth, and thy nay be in truth." "Truth lasts forever, but falsehood must vanish."

Admonitions concerning *faithfulness* and *fidelity* to given promises are: "Promise little and do much." "To be faithless to a given promise is as sinful as idolatry." "To break a verbal engagement, though legally not binding, is a moral wrong." Of the numerous warnings against any kind of deceit, the following may be mentioned: "It is sinful to deceive any man, be he even a heathen." "Deception in words is as great a sin as deception in money matters." When, says the Talmud, the immortal soul will be called to account before the divine tribunal, the first question will be, "Hast thou been honest and faithful in all thy dealings with thy fellow-men?"

Peacefulness.

Peace and harmony in domestic life and social intercourse as well as in public affairs are considered by the Talmudic sages as the first condition of human welfare and happiness, or as they express it: "Peace is the vessel in which all God's blessings are presented to us and preserved by us." "Be a disciple of Aaron, loving peace, and pursuing peace." To make peace between those in disharmony is regarded as one of the most meritorious works that secure happiness and bliss here and hereafter.

As virtues leading to peace, those of *mildness* and *meekness*, of *gentleness* and *placidity* are highly praised and recommended. "Be not easily moved to anger." "Be humble to thy superior, affable to thy inferior, and meet every man with friendliness." "He who is slow to anger, and easily pacified, is truly pious and virtuous." "Man, be ever soft and pliant like a reed, and not hard and unbending like the cedar." "Those who, when offended, do not give offence, when hearing slighting remarks, do not retaliate—they are the friends of God, they shall shine forth like the sun in its glory."

Charity.

The last of the principal duties to fellow-men is *charity*, which begins where justice leaves off. Professor Steinthal, in his work on General Ethics, remarks that among the cardinal virtues of the ancient philosophers we look in vain for the idea of *love* and *charity*, whereas in the teachings of the Bible, we generally find the idea of love, mercy and charity closely connected with that of justice. And we may add, as in the Bible so also in the Talmud, where charity is considered as the highest degree in the scale of duties and virtues. It is one of the main pillars on which the welfare of the human world rests.

The duty of *charity* (Gemilath Chesed) extends farther than to mere *almsgiving* (Tzedaka). "Almsgiving is practised by means of money, but charity also by personal services and by words of advice, sympathy and encouragement. Almsgiving is a duty towards the poor only, but charity towards the rich as well as the poor, nay, even towards the dead (by taking care of their decent burial)."

By works of charity man proves to be a true image of God, whose attributes are love, kindness and mercy. "He who turns away from works of love and charity turns away from God." "The works of charity have more value than sacrifices; they are equal to the performance of all religious duties."

Concerning the proper way of practising this virtue, the Talmud has many beautiful sentences, as: "The merit of charitable works is in proportion to the love with which they are practised." "Blessed is he who gives from his substance to the poor, twice blessed he who accompanies his gift with kind, comforting words." "The noblest of all charities is enabling the poor to earn a livelihood." He who is unable to give much shall not withold his little mite, for "as a garment is made up of single threads, so every single gift contributes to accomplish a great work of charity."

Duties concerning Special Relations.

Besides these principal duties in relation to fellow-men in general, the Talmud treats also very elaborately of duties concerning the various relations of life. Not intending to enter

here into all details, we shall restrict ourselves to some of its ethical teachings in reference to the domestic relations, and regarding the relation to the country and the community.

The Conjugal Relation.

"First build a house and plant a vineyard (*i.e.*, provide for the means of the household), and then take a wife." "Let youth and old age not be joined in marriage, lest the purity and peace of domestic life be disturbed." "A man's home means his wife." "Let a man be careful to honor his wife, for he owes to her alone all the blessings of his house." "If thy wife is small, bend down to her, to take counsel from her." "Who is rich? He who has a noble wife." "A man should be careful lest he afflict his wife, for God counts her tears." "If in anger the one hand removed thy wife or thy child, let the other hand again bring them back to thy heart." "He who loves his wife as his own self, and honors her more than himself, and he who educates his children in the right way, to him applies the divine promise: Thou shalt know that there is peace in thy tent." "Tears are shed on God's altar for the one who forsakes the wife of his youth." "He who divorces his wife, is hated before God."

Parents and Children.

"Parental love should be impartial, one child must not be preferred to the other." "It is a father's duty not only to provide for his minor children, but also to take care of their instruction, and to teach his son a trade and whatever is necessary for his future welfare." "The honor and reverence due to parents are equal to the honor and reverence due to God." "Where children honor their parents, there God dwells, there He is honored."

Country and Community.

Regarding duties to the country and the community, the Rabbis teach: "The law of the country is as sacred and binding as God's law." "Pray for the welfare of the government; without respect for the government, men would swallow each

other." "Do not isolate thyself from the community and its interests." "It is sinful to deceive the government regarding taxes and duties." "Do not aspire for public offices; but where there are no men, try thou to be the man." "Those who work for the community shall do it without selfishness, but with the pure intention to promote its welfare."

General Characteristics.

To these short outlines of Talmudical ethics let us add only a few general remarks. Being essentially a development of the sublime ethical principles and teachings of the Bible, the Talmudical ethics retains the general characteristics of that origin.

It teaches nothing that is against human nature, nothing that is incompatible with the existence and welfare of human society. It is free from the extreme excess and austerity to which the lofty ideas of religion and morality were carried by the theories and practices of some sects inside and outside of Judaism.

Nay, many Talmudical maxims and sayings are evidently directed against such austerities and extravagances. Thus they warn against the monastic idea of obtaining closer communion with God by fleeing from human society and by seclusion from temporal concerns of life: "Do not separate thyself from society." "Man's thoughts and ways shall always be in contact and sympathy with fellow-men." "No one shall depart from the general customs and manners." "Better is he who lives on the toil of his hand, than he who indulges in idle piety."

They strongly discountenance the idea of *celibacy*, which the Essenes, and later, some orders of the Church regarded as a superior state of perfection. The rabbis say: "He who lives without a wife is no perfect man." "To be unmarried is to live without joy, without blessing, without kindness, without religion and without peace." "As soon as man marries, his sins decrease."

While, on the one hand, they warn against too much indulgence in pleasures and in the gratification of bodily appetites and against the insatiable pursuit of earthly goods and riches,

as well as against the inordinate desire of honor and power, on the other hand, they strongly disapprove of the ascetic mortification of the body and abstinence from enjoyment, and the cynic contempt of all luxuries that beautify life. They say: "God's commandments are intended to enhance the value and enjoyment of life, but not to mar it and make it gloomy." "If thou hast the means, enjoy life's innocent pleasures." "He who denies himself the use of wine is a sinner." "No one is permitted to afflict himself by unnecessary fasting." "The pious fool, the hypocrite, and the pharisaic flagellant are destroyers of human society." "That which beautifies life and gives it vigor and strength, just as riches and honor, is suitable to the pious, and agreeable to the world at large."

Finally, one more remark: The Talmud has often been accused of being illiberal, as if teaching its duties only for Jews towards fellow-believers, but not also towards fellow-men in general. This charge is entirely unfounded. It is true, and quite natural, that in regard to the *ritual* and *ceremonial* law and practice, a distinction between Jew and Gentile was made. It is also true that we occasionally meet in the Talmud with an uncharitable utterance against the heathen world. But it must be remembered in what state of moral corruption and degradation their heathen surroundings were, at that time. And this, too, must be remembered, that such utterances are only made by individuals who gave vent to their indignation in view of the cruel persecutions whose victims they were. As regards *moral* teachings, the Talmud is as broad as humanity. It teaches duties of man to man without distinction of creed and race. In most of the ethical maxims, the terms *Adam* and *Beriyot*, "man," "fellow-men," are emphatically used; as: "Do not despise any man." "Judge every man from his favorable side." "Seek peace, and love fellow-men." "He who is pleasing to fellow-men is also pleasing to God." "The right way for man to choose is to do that which is honorable in his own eyes (*i.e.*, approved by his conscience) and at the same time honorable in the eyes of his fellow-men." In some instances, the Talmud expressly reminds that the duties of justice, veracity, peacefulness and charity are to be fulfilled towards the heathen as well as to the Israelites; as, "It is sinful to deceive any man, be he even a heathen." It is our duty to

relieve the poor and needy, to visit the sick and bury the dead without distinction of creed and race."

"Thou shalt love thy neighbor as thyself" (Lev. xix., 18); this is, said R. Akiba, the all-embracing principle of the divine law. But *Ben Azai* said, there is another passage in Scriptures still more embracing; it is the passage (Gen. v., 2): "This is the book of the generations of man; in the day that God created man, he made him in the likeness of God." That sage meant to say, this passage is more embracing, since it clearly tells us who is our neighbor; not, as it might be misunderstood, our friend only, not our fellow-citizen only, not our co-religionist only, but since we all descend from a common ancestor, since all are created in the image and likeness of God, every man, every human being is our brother, our neighbor whom we shall love as ourselves.

The liberal spirit of Talmudic ethics is most strikingly evidenced in the sentence: "The pious and virtuous of all nations participate in the eternal bliss," which teaches that man's salvation depends not on the acceptance of certain articles of belief, nor on certain ceremonial observances, but on that which is the ultimate aim of religion namely, *Morality*, purity of heart and holiness of life.

PART III.

METHOD.

The Method of our Translation into English of our Revised Text in the "New Edition."

After having submitted the text of the Talmud to a thorough review, and carried out the corrections thus found necessary, we have come down to the conclusion that the translation of the Talmud into English in this corrected form would be although not one of the easiest, but a possible task. * Thus we made up our mind to start this task, having considered as our leading principle to carry it out in a manner that should facilitate the understanding of the Talmud to such English readers as are not conversant with the Hebrew text. Therefore we did not care to give the discussions of the Mishnas, Tosephtas and Boraithas which the Gemara quotes for the purpose of a contradiction, objection, or comparison with a distinguishing expression, as we thought it is immaterial for the English reader. The method of the Gemara, however, is to distinguish the expressions for the purpose of letting the reader know whether the quotation is from a Mishna, Tosephta, or Boraitha, or was only said by the Amoraim, the expounders of the Mishna, viz.: (1) *Tenan*, for the quotation of a Mishna; (2) *Tania*, for the quotation of a Tosephta or a Boraitha; (3) *Itemar*, for the quotation of that which was said by the Amoraim. Therefore in the first volume of our editions, for all the quotations we have used only one expression, "we have learned," or "it was taught." However, after we were criticised for this, we also adopted a method of distinguishing the quotations, which is printed in the Explanatory Remarks to each volume; namely: Remark 1. For a quotation from the Mishna, "we have learned in a Mishna," for a Tosephta or a

* See letter of Dr. M. Jastrow in the prospectus of our work, on page 10.

Boraitha, "we have learned in a Tosephta or a Boraitha," and for the sayings of the Amoraim, "it was taught." Thus have we also corrected in the second edition of the first and the fourth volumes: Remark 2. To save space we did not adopt the method of the German translators who usually write question and answer to each paragraph where such is to be found; we have indicated the question by an interrogation point, and immediately follows the answer without being so marked. Coming to the third explanatory remark, in which we say that we translate only the second, we have to give here this explanation at length, as this treats about omissions from the text in the translation.

In our *Hakol*, vol. VI., No. 298, 1885, in which we announced that we desire to revise and correct the Talmud so as to make its translation possible into a living language, we gave some examples of the omissions necessary in Halakha and Hagada for this purpose. And we dare say that the examples were favorably received by eminent students of the Talmud. As an answer to another criticism in a Hebrew monthly in New York, *Ner Hamarobe*, we wrote a long article in the same about our method of the omissions in Halakha, claiming that in reality we *omit nothing* of importance of the whole text, in the shape given out by its compilers, and only that which we were certain to have been added by the dislikers of the Talmud for the purpose of degrading it we do omit. We cannot very well translate the whole article here for lack of space and time. We will therefore limit ourselves to pointing out the omissions of Halakha and Hagada with one or two examples: (1) Omitting repetitions, *e.g.*, in Tract Kethuboth 72b, there is a Mishna, "if one betroths a woman with the stipulation that she is not subject to any vows," and the whole Mishna with its Gemara is repeated in Tract Kedushin 58, without any change, and the Gemara to this Mishnayoth questions why the repetition? To which the same answer, "it was learned by the way," is repeated in both tracts. In our edition the Mishna will appear only once, in Tract Kedushin, and it is self-evident that the question and the answer of the Gemara falls off. However, the continuation which is of importance comes in the proper place. This is concerning the Mishnayoth. The discussions in the Gemara are repeated

sometimes from one to fifteen times, some of them without any change at all, and some with change of little or no importance. In our edition we give the discussion only once, in its proper place. True, it is a great difficulty to go over all the repetitions, to mark the changes wherever they are, and to consider the matter thoroughly as to which is the most proper place for them. However, we did not spare time and careful study. And according to our ability we left it at the place which seemed to us to be proper and cancelling all other repetitions.* (2) There is a custom in the text when it brings a statement from an Amora (very seldom also from a Tana) which is in conflict with a Mishna or a Boraitha, and trying to reconcile them by a long discussion, and after it comes to the conclusion that such a reconciliation is impossible, it concludes that "if such was taught it must be so and so," contrary to the first statement. We in our edition translate only the conclusion, omitting the whole discussion, which partly or wholly is to be found elsewhere. (Examples of this are given in our above-mentioned article, and as they are very numerous, we cannot give them here). (3) Where there are two versions in the text under the term *Lishna achrena* (another version), or *Ika d'amri* (some say), or *Waibayith Aema* (if you wish, we may say), and the second is contrary or entirely different from the first, we mostly give the second only. However, we are very careful in omitting such. (See our concluding words in Vol. XVII., page 8), and as to the last phrase, *Waibayith Aema*, which in many places is said twice or thrice, the reader will find all of them translated in our translation, under the term, "if you wish it may be said so, and if you wish, it may be said so." (4) The reader will find in our edition foot-notes stating, "transferred from tract so and so," in Halakha as well as in Hagada. We do so when the subject treated is inserted in a place where it is disconnected with the preceding and following statement; however, there is a special discussion about the same subject in another tract. (Concerning Hagada we did so in Tract Sanhedrin, transferring Hagadas which have

* In our edition, if such an omission comes from that which was already printed, we mark it in parentheses or in a foot-note : "repeated from tract or from volume so and so, page so and so," which we could not do with the text which was not as yet translated.

no connection in the preceding chapters, to the last (eleventh) chapter which is all Hagada. This is done for the purpose of preventing confusion in the reader's mind, which, while engaged in one subject, is abruptly confronted with a strange subject. (5) In a very few places we combine two Mishnayoths which are united in the editions of the separate Mishnayoths, but are divided in the Gemara into two or three (see Nedarim 32b and 33a), to which the Gemara questions "in accordance with what Tana the statement of this Mishna is given," and answers "in accordance with so and so," and the same it does with the divided Mishna with the same question and answer. (6) In places where the Gemara discusses in a long paragraph, "how was the case? Shall we assume so, then such a statement would be in the way, and if we assume so, another statement of so and so would be in the way," etc. The conclusion, however, is explained clearly and nicely. In such cases we often translate the conclusion only, omitting the discussion, which seems to us to be inserted only for the purpose of sharpening the mind. (However, we are very careful with such omissions, and if we see in them something of importance, we do not omit them.) To this point, may be added then that all the discussions usual in the Gemara why the Tana or the Amora *A* does not say like *B*, and why *B* does not say like *C*, and *C* like *D*, and then why *D* does not say like *C*, *B*, and *A*, etc. After then when the reason is given why *A* does not say like *B*, and *B* like *C*, it is again asked why should *A* not adopt the reason of *B*, etc., etc. We then give only the questions and answers of the first category, viz., why does not *A* agree with *B* and *C*, and *B* and *C* with *A*. We omit, however, the second category of the questions and answers for not adopting the reasons, which in many places occupy a whole column and after reading it, we do not find anything new or important, but simply repetitions after repetitions which confuse the mind of the reader without doing any good. (7) Questions which remain undecided and many of them are not at all practical but only imaginary, and very peculiar too,* we omit. Many of such questions were ascribed to the Amora Jeremiah, of whom Rabha said that, "When he was in Babylonia he never understood what the Rabbis said."

* *E.g.*, נפלמוהנג וחקעלביבמתו, the translation of which we do not care to give.

When he (Jeremiah) came to Palestine he expressed himself concerning the Babylonian scholars thus: "The Babylonians who are dwelling in a dark land are proclaiming dark Halakhath." It is the same to us if Jeremiah questioned the above-mentioned questions at the time he did not understand the Rabbis, or, as I. H. Weiss said, that he intended with such questions to ridicule the Rabbis, for at any rate such questions must not be placed in our edition. We have good reason to say that all such questions were inserted in the name of Jeremiah or other Amoraim, by the dislikers of the Talmud, who were to be found from its very beginning, for the purpose of ridiculing it. We cannot agree with Weiss that Jeremiah himself put such questions, as for a similar question: "If it happened that one has put one foot into the Sabbath limit, and the other foot was still out of it, may he enter or not?" he was immediately driven out from the college. Hence, since the other questions ascribed to him are much worse in every respect than the one just mentioned, is it possible that he would be listened to and such inserted as undecided questions? We would also state that the above statement of the dark Halakhath by the Babylonian sages was also put in his mouth by the same people, as we cannot believe that such a great Amora like Jeremiah should throw stones in the valley from which he drank his water.

Finally, we will give one example concerning Hagadas, in Tract Zebachin, pp. 113a, in the discussion whether the flood was in Palestine or not, basing their statements upon Ecclesiastes, "there is no new thing under the sun," *i.e.*, no new creatures were created after the seven days of creation, and as there are to be found some creatures which, according to their size, could not enter into the ark of Noah, and we see their existence, it must be concluded that the flood which had destroyed all the creatures did not take place in Palestine, in which such creatures are to be found. The opponents of this say that the flood was in Palestine also, and of all kinds of the existing creatures, there were some in the ark. And when the last were objected to by the existence of *r'em* (wild-ox), which, according to Rabba b. b. Hannah, the size of its offspring of one day was equal to forty miles, hence it could not in any way be entered in the ark, the answer comes that its snout only was in the ark, and the rest of the body was swimming in the water.

Now we would ask any reader if it is possible that such a thing should be said by any sage of the Talmud, and especially by *Resh Lakish*, who was one of the greatest Amoraim of Palestine. As this Hagada was discussed in connection with a Halakha it must not by any means be taken as allegorical. It is therefore more than certain that one who desired to make the Talmud ridiculous put in the mouths of Jochanan and Resh Lakish the discussion about the r'em with such a ridiculous answer. Hence in our translation it must be omitted. There is another one which was put as a question: "May the high priest marry a pregnant virgin?" and to the question "how can a virgin be pregnant?" the answer comes that "perhaps she became pregnant in a bath where preceding her was a man who had left there his seed." * We do not believe that any one with common sense, and without partiality, can be found who would deny that such things were inserted by the Talmud haters only for the purpose of ridiculing the Talmud. It is self-evident then that in our edition such and numerous similar legends do not find place.

Concerning the translation itself, we translate almost literally but not slavishly. In those places where the text of the Gemara can be understood only with the aid of Rashi's commentary, we reproduce the sense without marking "Rashi." However, in those places where Rashi adds something to make the text better understood, we put Rashi's commentary in parentheses. See fifth remark on the copyrighting; but passages inserted from the Gemara itself we put in brackets. Those passages, however, which are not explained by Rashi or which we found the explanation more detailed in other commentaries, we translate according to the latter's, stating in the respective foot-note that it is according to so and so. Our only desire was to enable the English student, even laymen, to understand the sense without difficulty, in which, according to I. M. Wise in his review of Volume VIII., we have succeeded. We may state also that, though we have strictly followed our method, yet we were compelled in some places to deviate from the same. It was also impossible for us to arrange our new edition in accordance with the old edi-

* It seems to us that such were inserted by one against the belief that the Virgin Mary had borne Jesus.

tion; based upon the decision of Sherira Gaon that it is immaterial in what order the tracts should be brought, as the Gemara itself states that the consecutive order of the Mishna is not always to be taken seriously. However, each tract is numbered from page 1, so that if the reader prefers binding the tracts according to the former order he may do so. There are, however, many more points concerning our method which we omit for lack of space and time, especially since the method is fully traced in its main features.

[redacted] אלא

אמר רבא סימנין דאורייתא דכתיב (דברים כב) והיה עמך עד דרוש אחיך אותו וכי תעלה על דעתך שיתננו קודם שידרשנו אלא דרשהו אם רמאי הוא או אינו רמאי לאו בסימנין ש"מ אמר רבא אם תימצי לומר סימנין דאורייתא

[redacted]

סימנין וסימנין יניח סימנין ועדים ינתן לבעל העדים סימנין וסימנין ועד אחד עד אחד כמאן דליתיה דמי ויניח עידי אריגה ועידי נפילה ינתן לעידי נפילה דאמרינן וביני זבנה ומאיניש אחרינא נפל מירת ארכו ומידת רחבו ותגתן למידת ארכו דמידת רחבו שעורי קא משער לה כר מכסי לה מרה וקאי ומידת ארכו לא משתער לה מידת ארכו ומידת רחבו ומידת גמיו ינתן למידת ארכו ורחבו מידת ארכו ומידת רחבו ומידת משקלותיו ינתן למידת משקלותיו הוא אומר סימני הגט והיא אומרת סימני הגט ינתן לה במאי אילימא במידת ארכו ורחבו דלמא בהדי דנקיט ליה חזיתיה אלא נקב יש בו בצד אות פלוני הוא אומר סימני החוט והיא אומרת סימני החוט ינתן לה במאי אילימא בחיורא וכסומקא ודלמא בהדי דנקיט ליה הזיתיה אלא במידת ארכו הוא אומר בחפיסה והיא אומרת בהפיסה ינתן לו מאי טעמא מידע ידעה דכל מה דאית ליה בחפיסה הוא דמנח ליה: **מתני'** ועד מתי חייב להכריז עד כדי שידעו בו שכיניו דברי רבי מאיר רבי יהודה אומר שלש רגלים ואחר הרגל האחרון ז' ימים כדי שילך לביתו שלשה ויחזור שלשה ויכריז יום אחד: **גמ'** תנא שכיני אבידה מאי שכיני אבידה אילימא שכינים דבעל אבידה אי ידע ליה ליזול ולי הדריה ניהליה אלא שכיני מקום שנמצאת בו אבידה: רבי יהודה אומר כו': ורמינהי בג' במרחשון שואלין את הגשמים ר"ג אומר בז' בו (שהוא) ט"ו יום אחר החג כדי שיגיע אחרון שבא"י לנהר פרת אמר רב יוסף לא קשיא כאן במקדש ראשון כאן במקדש שני במקדש ראשון דנפישי ישראל טובא דכתיב בהו (מלכים א ד) יהודה וישראל רבים כחול אשר על הים לרוב בעינן כולי האי במקדש שני דלא נפישי ישראל טובא דכתיב בהו (עזרא ב) כל הקהל כאחד ד' ריבוא אלפים שלש מאות וששים לא בעינן כולי האי אמר ליה אביי והא כתיב (נחמיה ז) וישבו הכהנים והלוים וגו' (עזרא ב) והמשוררים והשוערים וכל ישראל בעריהם וכיון דהכי הוא איפכא מסתברא מקדש ראשון דנפישי ישראל טובא דמצות עלמא ומשתכחי שיירתא דאזלי בין ביממא ובין בלילא לא בעינן כולי האי וסגיא בתלתא יומא מקדש שני דלא נפישי ישראל טובא ולא מצות עלמא ולא משתכחי שיירתא דאזלי בין ביממא ובין בלילא בעינן כולי האי רבא אמר ל"ש במקדש ראשון ול"ש במקדש שני לא הטריחו רבנן באבדה יותר מדאי אמר רבינא ש"מ כי מכריז גלימא מכריז דאי ס"ד אבידתא מכריז בעינן למכפי ליה חד יומא לעיוני במאניה אלא ש"מ גלימא מכריז ש"מ רבא אמר אפילו תימא אבידתא מכריז לא הטריחו רבנן באבידה יותר מדאי ת"ר רגל ראשון אומר רגל ראשון דגל שני אומר רגל שני רגל שלישי אומר סתם ואמאי לימא רגל שלישי דלא אתי לאחלופי בשני שני נמי אתיא

ILLUSTRATION OF THE CORRECTED TEXT OF THE BABYLONIAN TALMUD FROM WHICH THE TRANSLATION INTO ENGLISH WAS MADE.

PART IV.

CRITICISM.

In our table of contents to this history announced in the prospectus issued in 1897, we have inserted "A Reply to some Criticism." This would be in place if this history had been published at the time when the criticism was still new. Now, however, after the lapse of six years, during which new proper criticism has not appeared, a reply to what is almost forgotten would be out of place. We, however, cannot restrain ourselves to say a few words about criticism in general, and about our edition in special. In our opinion, true criticism must drive only to the point, *i.e.*, the critic has to show the author his mistakes and errors in such and such point, page or paragraph, based upon undoubted or uncontradictory evidence, or common sense, taking care, however, to avoid partiality and personality. Otherwise it is not criticism but attack. In our introduction to Vol. VII., we expressed our anxiety to face a *true* criticism, which has not appeared thus far as aught we know. As what concerns the criticism which appeared after the issue of the first volume, the same may be classified in three categories:

(*a*) Personality against the reviser of the first volume or against ourself. (*b*) Opposition on the part of those who disliked for some reason the idea of the Talmud being translated in any living language, no matter which; and (*c*) the views expressed by ignoramuses in all that concerns the Talmud and its study. It seems to us that a discussion would not persuade either of the three categories, as they indulged only in attacks lacking real evidence, nay, even a basis of probability on which they might have rested; *e.g.*, there were some who claimed that our edition is not scientifically arranged, our omissions mutilating the whole text at large; but these did not care to give any example, which might have served them as evidence.

Now, concerning the scientific point of view, we hold that no translation of the Talmud could answer the requirements of a scientific work, as the Talmud itself is nothing but a chaotic mass lacking any scientific order, and should a translator follow scientific tracks, the result of his work would be a treatise on, but not a translation of, the Talmud. And, as what regards the so-called mutilations, since no example was given, we cannot enter any discussion as to them. Our method was already clearly explained in a lengthy article in Hebrew, out of which it might have appeared that our method consists in these very mutilations, and if after that anybody accuses us of mutilating the text we have nothing to say but let him try to invent a better method.

However, regarding the criticism of the spelling of some ancient names, which we were not very careful about, and also as to the distinguishing of the quotations from divers Mishnas, Boraithas, etc., we have gratefully admitted its truth and accordingly corrected in the succeeding volumes as well as in the second edition of the first volume, as it can be seen in our answer to these criticisms in the *American Hebrew*, July 29, 1896, which the critic himself admitted thereafter that it was a gentlemanly answer, though it could not induce him to deny his policy. And what concerns other criticisms of the above categories we may conscientiously say that they were not worthy of any consideration whatsoever, as their basis was the very criticism of this prominent scholar, who encouraged them to attack, to scold, and to make use of any expression which is fit to disqualify the work at large in the eyes of its supporters.* As an evidence to this latter statement we

* To our great sorrow we must confess that they have succeeded in harming us both materially and morally. The material harm was that, as an immediate result of their attacks, an enormous amount of financial support had been refused to us. The moral harm they caused us was that, being at loss of the necessary funds, we could not submit our work to competent men for revising, and so the whole gigantic labor of issuing all which has been printed so far was carried out only through our own endeavors, to which no assistance, moral or material, was given us on the part of anybody. And with all our modesty we may say that, had we not been so energetic and strong-minded, our attackers would have succeeded in destroying the whole plan and annihilating the publication of our work. A great authority and most influential man in this city, seeing our struggles and troubles after we had already issued several volumes, offered us $6,000 as financial aid for the duration of three years, so as to complete the translation in this period and to submit to him afterwards the whole manuscript, for which he was willing to take the trouble upon himself to find a pub-

beg to quote the editorial of *The American Israelite*, September 19, 1901.

"The complaint voiced through the Jewish press that Rodkinson's translation of the Talmud is not receiving the support which its merits deserve is very much in the nature of self-accusation. The truth is that the great undertaking has never been able to overcome the onslaught originally made upon it. Recognizing its great value, the late editor of this paper gave to the work from its initial conception his earnest encouragement and support, which, instead of being seconded by the Jewish press and rabbinate, was met by a torrent of abuse and misrepresentation. Now that his foresight has been justified, and the former detractors of the work complain that Jewish support is lacking, they have a chance to contemplate their own doings. If the example set by the late editor of this paper had been emulated instead of neglected and derided, there would not now be occasion to charge the Jewish public with want of appreciation.

"It was not among Jews alone that the insensate opposition to Dr. Rodkinson's difficult project was met with. As is perfectly natural, the non-Jewish press depended largely upon Jewish sources for their information in regard to the work, and therefore reflected the unfavorable opinions expressed by supposed Jewish authorities. As soon as unbiased reviewers were

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lisher who would undertake to publish it upon the plan of royalty. The above amount he calculated to obtain of three philanthropists, two Gentiles and one Hebrew. We, however, having conjectured who the Hebrew philanthropist might be, told him that if he meant Mr. ——, he was mistaken, for he is already influenced by the critics and therefore would not support this work. In fact, it was so, and the professor was reduced to drop the whole plan.

This case was not the only one. There was another professor who promised to subscribe for twenty sets of our work for the purpose of distributing them among his friends. It was again the critic that prevented him from doing so.

The Jewish Publication Society of America, whose aim it is to help authors in issuing their works, and who are constantly doing so, have not assisted us with a single cent, in spite of the fact that all the above-mentioned critics but one had not only retracted from and moderated their first statements, but afterwards wrote favorably about our translation in different periodicals and private letters, as can be seen from the press comments, which will be placed on the last pages of this work.

One cannot imagine our struggles and troubles at each issue of the volumes, and it is only our ideal that the edition of the Talmud should be completed which spurs us to continue. We rely upon the divine help, that it will not cease to grant us further on the assistance which it has lent us to the completion of the two large sections issued by us.

made aware of its merits, they changed their unfavorable attitude, but it was too late to overcome the prejudice created by the first impression. *To-day the non-Jewish press recognizes that it was misled into antagonizing the work, and speaks of it as a most important contribution to the world's stock of knowledge,* but it certainly must be disheartening to its editor and his publishers to convince possible purchasers that the authorities upon which they depend for information have experienced a change of heart. It is an old story, that with one moment's start a lie will not be overtaken by its refutation in a thousand years. It is impossible to wholly right the wrong, but at least amends can be made by those who through ignorance or malice misrepresented Dr. Rodkinson's great undertaking, and it is not by taking a fling at the Jews that this is to be accomplished. It is safe to classify the Jews as average human beings, who are neither better nor worse than the rest of mankind, and taking them as such, the proportion among them who encourage Jewish letters will not be found to fall below what can rightly be expected. This statement, however, does not include the Jews who have been blessed with superabundant riches, for the members of that class have not in this country given to Jewish literature the same support so common among the men of wealth who enable the literature of Christianity to be spread broadcast over the world."

APPENDIX TO CHAPTER II., page 24

We have to repeat again that we do not see any reason why the more prominent sages should not be mentioned. To quote all of those omitted, both of Tanaim and Amoraim, with the sources where they are taken from would take a whole volume and we also would not like to devise an entirely new arrangement contrary to Strack, Mielziner and others whose authority we respect. However, we cannot refrain from calling the attention of students to the fact that after a good deal of deliberation and search we cannot find any reason why the most prominent sages should not be placed among the founders of the Talmud.

Take, for instance, Abtulmus, who is mentioned in Tract Erubin, Chapter III., Mishna 4, who, according to R. Jose, testified in the name of five elders, etc., and who is also mentioned several times in the Gemara and is not identical with Abtalyon who was in an earlier time. Take also Baba b' Buta who, was in the time of Herod the Great, and who was a disciple of Shamai and cannot be counted of his school as he was of those who were troubling themselves to establish the Halakha in accordance with the school of Hillel and whom the Talmud put up as an example of morality. (See Weiss "Geschichte der jüdichen Tradition," Vol. I., p. 168.

We also do not find among them Elazai b. Arach, whom we have added, the distinguished one of the five disciples of R. Johanan b. Zakkai, and also no mention of b. Bag Bag, b. Haij Haij, b. Buchre, and Papus b. Jehudah. The contemporaries of these were Johanan b. Zakkai, Jehudah b. Bathyra, etc., etc., all of whom are mentioned in the Mishnayoth as great authorities, who according to our opinion ought to be placed among the Tanaim, founders of the Mishna.

There is mentioned by Strack and Perferkowitz (the latter counts Elasur b. Arach and Simon Shezur), Ben Patturo or Ben Pature, who is to be found only once in the whole Talmud, namely in Baba Metzia, p. 149. Let us quote his statement : "If two were on the road (in the desert), and one of them has a pitcher of water which is sufficient for one only until he may reach an inhabited place, but if both would use it both would die before reaching a village, and Ben Patturo lectured that in such a case it

is better that both should drink and die than that one should witness the death of his comrade." This teaching seems to us to be of the Essenes as it is not in accordance with the Talmudical spirit, and as his own name is not known (there are many who were named after their fathers only as Ben Dama, b' Bathyra, b' Azai, but their own name however is known) we are inclined to say that he lived at a much earlier time and it should read *Ben Pantira*, who was in his youth a disciple of Jehoshua b' Prachyah * and it would not be surprising that his lecture was stated in his name as so it was done with Elisha b' Abbuyah in Tract Aboth, Chapter IV., notwithstanding that thereafter he separated himself from his colleagues and was named *Acher*.

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* *i.e.*, Jesu b. Joseph Pantira, who is usually so mentioned in Tosephta (Chulin, v. 22), and in the Palestinian Talmud several times. In some places Jesu b. Pantira, and in other places Jesu Pantira and also Ben Pantira. Concerning Jehoshua b. Prachia who was his teacher, according to the Talmud, we are inclined to say there were two Jehoshuas rather than to claim that there were two Jesuses.

PART V.

THE ARRANGEMENT OF THE SIX SECTIONS IN THEIR SIXTY TRACTS.

Section Zeraim (Plants) contains eleven tractates, viz.: Berachoth (Benediction), supplied with Gemara, both Palestinian and Babylonian, Peah (Corner tithe), Dmai (Uncertain), Khilayim (Mixtures), Shebüt (Sabbatical year), Therumoth (Heave offering), Maasheroth (Tithes), Maaser Sheni (Second tithes), Chala (Dough), Orla (Fruit trees during the first three years), and Biccurim (First fruit), all of which are not supplied with Babylonian Gemara. The laws of all of them concern Palestine at that time the Temple was in existence.

Section Nashim (Women) contains seven tracts, viz.: Yebamoth (Levirate marriage), Khethuboth (Marriage contracts), Nedarim (Vows), Nazir (Nazarite), Sota (Suspicious women), Gittin (Divorces), Kiddushin (Betrothals).

Section Kodashim (Holiness), eleven tracts: Zebachim (Sacrifices), Menachoth (Meal-offering), Chulin (Profane things), Bechoroth (First born), Arachin (Estimations), Themura (Exchange), Kherithoth (Excisions), Me-ila (Trespass), Thamid (Daily offerings), Middoth (Measurements) and Kinnim (Birds' nests). All the above tracts, besides Chulin, treat about sacrifices, offerings used at the time of the Temple. Chulin, however, speaks of the laws of slaughtering and of the meats that may be used.

Section Teharoth (Purification), twelve tracts, viz.: Khelim (Vessels), Ohaloth (Tents), Nego-im (Leprosy), Parah (Heifer), Teharoth (Purification), Mikvaoth (Wells), Nidda (Menstruous), Mach-shirim (Preparations), Zabim (Running issues), Tebul-Yom (Legal-day bath), Yadayim (Hands), and Uktzin (Stalks of fruit); to all of them, except Nidda, there is no Gemara, for the reason stated above (Vol. II., p. 42). The tract Nidda, however, treats about women menstruous and all the laws of sexual intercourse.

Section Moed (Festivals), twelve tracts (in our Edition 13), and Section Nezikin (Jurisprudence), ten tracts (in our Edition 13), which are already published in the English language. We give, for the benefit of readers, the following synopsis:

SECTION MOED (FESTIVALS).

SYNOPSIS OF SUBJECTS

OF

VOLUME I.—TRACT SABBATH.

SYNOPSIS OF SUBJECTS.

SEVERAL requests have been received by the translator that an index should be made to the volumes of the Talmud, as is customary with all modern works. It would be an utter impossibility to give a complete index of everything contained in the Talmud. Were it like other scientific works, which treat each subject separately, this could easily be done; but with the Talmud it is different. On one page many different subjects may be discussed, and again a single subject may occupy several pages. The Talmud, therefore, has never had an index, not even the portions which have been translated.

After careful examination of the volumes, page by page, it has been decided to make a synopsis, *i.e.*, to give briefly the heads of the discussions and conversations upon each Mishna, indicating the page where the Mishna is to be found, and the Gemara of each one, which serves as a commentary. By this the reader should be able to refer to what he desires to know.

A synopsis is therefore given of every Mishna which discusses a single subject, with its accompanying Gemara; but when several short Mishnas cover the same subject, a single synopsis is given of the whole, including the Gemara of each one; and where a chapter is short and has but one subject, a synopsis of the whole chapter is made, without dividing it into Mishnas.

This is the best that can be done, and it is hoped that readers will find it satisfactory.

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* We would call the attention of the reader to the appendix of this volume, which will prove interesting to the general reader and present something heretofore unpublished to the student of the Talmud.

SYNOPSIS OF SUBJECTS

OF

VOLUME III.—TRACT ERUBIN*

CHAPTER I.

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* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix.

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SYNOPSIS OF SUBJECTS

OF

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MISHNA *a* treats of: What were the duties of the Beth Din in the month of Adar in the time of the second Temple. When the Megillah (Book of Esther) was to be read in the fortified cities. For what purpose messengers were sent out, and what were the things to be heralded.

MISHNA *b* treats of: What was the punishment for not obeying the commandments of Kelayim in the former times and later.

MISHNA *c* deals with: When the money-changers, with their tables, began their work in the countries of Judea and in Jerusalem. The time for pledges which were taken for not paying the Shekalim. From what persons the pledges were to be taken. If a father might pay the Shekalim for his children.

MISHNA *d* treats of: What ordinance Ben Buchri proclaimed in Jamnia in behalf of the priests, and what R. Johanan b. Zakkai rejoined. The defence of the priests, with their interpretation of biblical passages, which was accepted only for the sake of peace.

MISHNA *e* treats of: The voluntary payment of Shekalim from women, slaves, and minors being accepted, but not from the heathens or Samaritans. Bird-offerings not accepted from persons affected with venereal diseases or from women after confinement. Sin and vow offerings, however, were accepted from the Samaritans. The vow-offerings were also accepted from heathens. The general rule concerning this.

MISHNA *f* deals with: The premium one had to pay in addition to the half-shekel. Who was obliged to do so? The different opinions of the sages and R. Meir. How much one had to pay if given one Selah and taking a shekel in exchange.

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* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix. This tract has no Gemara. The synopsis contains the Mishnas, with their commentaries.

MISHNA *g* treats of: The law concerning one who pays for a poor man, for a neighbor, and for a countryman. Law concerning brothers and partners paying together; also, law regarding cattle-tithe. How much was the premium.

CHAPTER II.

MISHNA *a*. One may put together the Shekalim and exchange them for a gold coin called Darkon. Concerning the chests which were given to the collectors in the country and at Jerusalem. What is the law if money were stolen or lost by the messengers of a city, when a portion of the Shekalim was already expended; what is the law if not expended.

MISHNA *b*. Concerning the law when one gives his shekels to another to pay his head-taxes for him; if he pays his shekels from the money of the second tithes or from the money of the fruit of the Sabbatical year. Concerning how he shall replace it and use it for the same purpose.

MISHNA *c*. The law concerning one who gathered single coins little by little and said: "With this money I shall pay my shekels." The different opinions of the schools of Hillel and Shamai in this matter. Concerning the same case when one gathers money for sin-offerings. What shall be done with the eventual remains of such money.

MISHNA *d*. Concerning the explanation of R. Simeon of the teachings of the school of Hillel. The discussion of the former with R. Jehudah. The claims of the latter that the coins of the Shekalim were also changed in times and places. The rejoinder of R. Simeon to this.

MISHNA *e*. The law concerning the remainder of money intended for Shekalim when considered to be ordinary. Regarding the remainder of the tenth part of an ephah, bird-offerings, and guilt-offerings: what shall be done with it. A rule concerning this matter. Also, regulations concerning the remainder of Passover sacrifices, Nazarite offerings, the remainder of moneys for the poor in general and individuals, of money for prisoners, for burial of the dead, and R. Meir and R. Nathan's opinions regarding this matter.

CHAPTER III.

MISHNA *a*. Regarding the appointed periods of the year when the money was drawn from the treasury. The different opinions, concerning this matter, of R. Aqiba b. Asai, R. Eliezer, and R. Simeon. The same time appointed for cattle-tithes.

MISHNA *b*. Concerning the ceremony of drawing the money at all periods of the year. The law regarding measures of the boxes in which the coins of the Shekalim were filled, and the numbers of the chests in which the money was drawn from the boxes for the expenses of the Temple. Which box must be opened first, and which last. What garments the person drawing the money must wear. How a man must stand unblemished before his fellow-man and before his God.

MISHNA *c*. Concerning the custom of the house of Rabban Gamaliel, when the members of the house had paid their Shekalim. The law regarding

one who drew money did not commence until he had said to the bystanders, "I will now draw," and they answered, "Draw, draw, draw," three times.

MISHNA *d*. Concerning the covering of the boxes after drawing the money. For which countries the drawings were performed in the first period, the second, and the third.

CHAPTER IV.

MISHNA *a*. What was done with the money drawn? Concerning the watchmen that were sent out to guard the after-growth of the Sabbatical year, of which the Omer and two loaves were taken for sacrifice. The opinion of R. Jose in this matter, and what the rabbis answered.

MISHNA *b*. Concerning the red heifer, the goat that was to be sent away, the strip of scarlet, the bridge for the cow, the bridge for the goat, the canal, the city wall, the towers, and other necessities of the city: all were paid for out of the Shekalim money. What Abba Saul said.

MISHNA *c*. What was done with the balance of the money left over in the treasury. The discussion of R. Ishmael and R. Aqiba in this matter. Some of the many things which are enumerated in the Palestinian Talmud and which were done with this money. Among them was the hiring of teachers for priests to teach them the laws of the sacrifices.

MISHNA *d*. What was done with the remainder of the moneys of the chest. The different opinions of R. Ishmael, R. Aqiba, and R. Hanina, the assistant chief of the priests, concerning profit: if it might be raised from the remaining money or not, and of what money the gold plates for the decorations of the Holy of Holies were made. Also, concerning the benefit of the altar.

MISHNA *e*. What was done with the remainder of the incense (as the incense of the New Year must be bought with the new Shekalim money). The sanctification of the incense on hand then transferred to that money, and then redeemed with the money of the new revenue.

MISHNA *f*. Concerning the law when one devoted his entire possessions in honor of the Lord: what should be done with them. The discussions of R. Aqiba and Ben Asai regarding this matter.

MISHNA *g*. Concerning the law when one devoted his possessions, and among them were cattle, male and female, fit for the altar. The discussions of this matter between R. Eliezer and R. Jehoshua. R. Aqiba is inclined to the opinion of R. Eliezer, which seems to him to be more proper, but adds that he had heard that both opinions were right according to circumstances.

MISHNA *h*. If one devote his possessions, and among them are things fit for the altar, such as wines, oils, and birds, what should be done with them. R. Eliezer decreed it, and no one opposed him.

MISHNA *i*. Contractors, for the delivery of all things for the altar and the improvements of the Temple, were appointed every month; but if the

prices changed during the thirty days, the Sanctuary must not suffer any injury. Such was the agreement made between them. The illustration of this.

CHAPTER V.

MISHNA *a*. Concerning some names of the offices and the heads of them in the Sanctuary during the entire period when the second Temple was in existence. What were the officers' duties, and how they officiated.

MISHNA *b*. Concerning the order of the head officers; namely, the king, the high priest, his assistant, two catholicoses, and seven chamberlains, not less than two officers being put in charge of public moneys.

MISHNA *c*. Regarding the seals that were in the Sanctuary, serving for the beverages and meat-offerings which must be brought, according to the Bible, with every sacrifice. Concerning the inscription on the seals and their usage. Ben Azai added one seal for the poor sinner. The names of the officers, of the seal-keeper and the officer who sells the above offerings.

MISHNA *d*. The date must be put on every seal. The law regarding surplus money being found in the treasury of the seal-keeper: to whom it belongs; and if a deficit, who must supply it.

MISHNA *e*. The law concerning one who lost his seal; what must be done.

MISHNA *f*. Concerning the two chambers in the Sanctuary, of which one was called "Chamber of Silence" and the other "Chamber of Utensils." What was done there, during what time they were investigated, and what was done with the presented utensils which were useless for the Temple.

CHAPTER VI.

MISHNA *a*. Concerning the thirteen covered chests and thirteen tables which were in the Sanctuary. How many prostrations took place in the Sanctuary. How R. Gamaliel and R. Hanina, assistant chief of the high priest, added one in the place where the ark was hidden.

MISHNA *b*. Relates how a blemished priest who was engaged in selecting and peeling wood had noticed the place where the ark was hidden, but before he had time to tell it to the others he expired.

MISHNA *c*. Concerning the directions where the prostrations were made. How many gates were in the Temple: their names, and why they were so named; also, different opinions of the sages concerning this. There were two gates which were nameless.

MISHNA *d*. Of what material the thirteen tables were made, where they stood, for what purpose they were used. Concerning the golden table in the Temple itself, upon which the showbreads were constantly lying.

MISHNA *e*. Concerning the inscriptions on the thirteen covered chests in the Sanctuary, and what was done with them. The different opinions of R. Jehudah and the sages as to using certain money put in some chests.

MISHNA *f*. Concerning the amount of articles to be furnished in payment of a vow one made, who did not explain how much he intended to give; for instance, wood, incense, gold coins, etc. A rule that was made concerning this. The hides of all sacrifices belong to the priest.

CHAPTER VII.

MISHNA *a*. If money was found in between the differently marked chests, to which chest the money belonged. Concerning this the rule was: One must be guided by the proximity, even in the case of the less important, etc.

MISHNA *b*. Concerning money found in Jerusalem, in the court of the Temple, in the times of the Festivals and in the ordinary times.

MISHNA *c*. Concerning meat found in the court of the Temple, in the city, and any place where Israelites resided and where Gentiles and Israelites together resided.

MISHNA *d*. Concerning cattle found between Jerusalem and Migdal Eder, and in the vicinity of the city in all directions: what the law prescribes. The different opinions of some sages.

MISHNA *e*. Relates how, in former days, the finder of such cattle was pledged to bring drink-offerings, and how afterwards the high court decreed to furnish them from the public moneys.

MISHNAS *f* and *g*. R. Simeon named seven decrees which were promulgated by the high court, and the above decree was one of them. R. Jehudah, however, does not agree on some points with him. R. Jose has also something to say about this.

CHAPTER VIII.

MISHNA *a*. Concerning streets in which people must walk during the time of the Festival in Jerusalem, for the sake of cleanness. The different opinions, in this matter, of R. Meir and the sages.

MISHNA *b*. Regarding utensils found on the way towards the plunge-baths: if they are clean or not, and the different opinions of R. Meir and R. Jose.

MISHNA *c*. Regarding the butcher-knife, if it was found in the street on the 14th of Nissan; and what is the case if the 14th falls on a Sabbath.

MISHNA *d*. Concerning where the curtain of the Sanctuary must be submerged if it become defiled. The first time it was submerged it was spread out for the people to admire the beauty of the work.

MISHNA *e*. What Rabban Simeon b. Gamaliel had to tell in the name of Simeon, the son of the assistant high priest. How the curtain was made: the great amount of the cost and how many hundred priests were required to submerge it.

MISHNA *f*. If meat of the Holy of Holies became defiled, where it must be burned. The different opinions of the schools of Shamai and Hillel on this point.

MISHNA *g*. The different opinions of R. Eliezer and R. Aqiba concerning anything that had become defiled through a principal uncleanness.

MISHNA *h*. The joints of the daily sacrifices, where they were laid down; the sacrifices of the new moon, where they were placed. The payment of Shekalim, if it was obligatory after the destruction of the Temple. The same law regarding cattle-tithe, tithes of grain, and deliverance of the firstlings. The law if one sanctified Shekalim or firstlings after the destruction of the Temple.

SYNOPSIS OF SUBJECTS

OF

TRACT ROSH HASHANA*

CHAPTER I.

MISHNA I. The first Mishna ordains New Year's Days, viz.: For kings, for the cattle-tithe, for ordinary years, and for the planting of trees. A king who ascends the throne on the 29th of Adar must be considered to have reigned one year as soon as the first of Nissan comes. The Exodus from Egypt is reckoned from Nissan. When Aaron died Sihon was still living. He heard that Aaron was dead and that the clouds of glory had departed. The rule about Nissan only concerned the kings of Israel; but for the kings of other nations, they reckoned from Tishri. Cyrus was a most upright king, and the Hebrews reckoned his years as they did those of the kings of Israel. One is guilty of procrastination. Charity, tithes, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of corners of the field.

One is culpable if he does not give forthwith that which he has vowed for charity. In the case of charity it must be given immediately, for the poor are always to be found. The Feast of Weeks falls on the fifth, sixth, or seventh of Sivan.

How the law against delay affects a woman. In which month is grain in the early stage of ripening? Only in the month of Nissan. It is also the New Year for leap-year and for giving the half-shekels. Congregational sacrifices brought on the first of Nissan should be purchased with the shekels raised for the New Year. He who lets a house to another for a year must count (the year) as twelve months from day to day; but if the lessee says (I rent this house) "for *this* year," even if the transaction takes place on the first of Adar, as soon as the first of Nissan arrives the year (of rental) has expired. The first of Tishri is the New Year for divine judgment. At the beginning of the year it is determined what shall be at the end of the year. The Supreme Court in Heaven does not enter into judgment until the Beth

* See introduction to synopsis of Tract Sabbath, Vol. I., p. xxix.

Din on earth proclaims the new moon. Israel enters for judgment first. If a king and a congregation have a lawsuit, the king enters first. From New Year's Day until the Day of Atonement, slaves used not to return to their (own) homes; neither did they serve their masters, but they ate and drank and rejoiced, with the crown of freedom on their heads. R. Eliezer says, that the world was created in Tishri. R. Joshua says, that the world was created in Nissan. Says R. Joshua, God grants the righteous the fulfilment of the years of their life to the very month and day. Sarah, Rachel, and Hannah were visited on New Year's Day. Joseph was released from prison on New Year's Day. On New Year's Day the bondage of our fathers in Egypt ceased. The Jewish sages fix the time of the flood according to R. Eliezer, and the solstices according to R. Joshua; but the sages of other nations fix the time of the flood also as R. Joshua does. Whoso vows to derive no benefit from his neighbor for a year must reckon (for the year) twelve months, from day to day; but if he said "for this year," if he made the vow even on the twenty-ninth of Elul, as soon as the first of Tishri comes that year is complete. The New Year for giving tithes is for a tree from the time the fruits form; for grain and olives, when they are one-third ripe; and for herbs, when they are gathered. R. Aqiba picked the fruit of a citron-tree on the first of Shebhat and gave two tithes of them, . 1–20

MISHNA II. At four periods in each year the world is judged. All are judged on New Year's Day and the sentence is fixed on the Day of Atonement. R. Nathan holds man is judged at all times. God said: "Offer before Me the first sheaf of produce on Passover, so that the standing grain may be blessed unto you. Recite before Me on New Year's Day the Malkhioth, that you proclaim Me King; the Zikhronoth, that your remembrance may come before Me, for good, and how (shall this be done)?" By the sounding of the cornet. Three circumstances cause a man to remember his sins. Four things avert the evil decree passed (by God) on man; viz., charity, prayer, change of name, and improvement. Some add to these four a fifth —change of location. Three books are opened on New Year's Day: one for the entirely wicked, one for the wholly good, and one for the average class of people. The school of Hillel says: The most compassionate inclines (the scale of justice) to the side of mercy. Who are those who inspire their fellowmen with dread of them? A leader of a community who causes the people to fear him over-much, without furthering thereby a high purpose. The legend how R. Joshua fell sick and R. Papa went to visit him. The Holy One, blessed be He, wrapped Himself, as does one who recites the prayers for a congregation, and pointing out to Moses the regular order of prayer, said to him: "Whenever Israel sins, let him pray to Me after this order, and I shall pardon him." Prayer is helpful for man before or after the decree has been pronounced. The legend of a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Johanan ben Zakkai. The Creator sees all their hearts (at a glance) and (at once) understands all their works, . 20–28

MISHNA III. Messengers were sent out in the following six months: in Nissan, Abb, Elul, Tishri, Kislev, and in Adar. The legend of the king

(of Syria who had earlier) issued a decree forbidding the study of the Torah among the Israelites, or to circumcise their sons, and compelling them to desecrate their Sabbath. Judah b. Shamua and his friends cried aloud: "O heavens! Are we not all brethren? Are we not all the children of one Father?" etc. Samuel said: "I can arrange the calendar for the whole captivity." Rabha used to fast two days for the Day of Atonement. Once it happened that he was right, ... 29–34

MISHNAS IV. to VII. For the sake of (the new moon), of the two months Nissan and Tishri, witnesses may profane the Sabbath. Formerly they profaned the Sabbath for all (new moons), but since the destruction of the Temple they instituted that (witnesses) might profane the Sabbath only on account of Nissan and Tishri. It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) on the Sabbath. Shagbar, the superintendent of Gader, detained them, and (when) R. Gamaliel (heard of it, he) sent and dismissed him. It once happened, that Tobias the physician, his son, and his freed slave saw the new moon in Jerusalem. The explanation of the passage Exodus xii. 1, by R. Simeon and the rabbis. Who are incompetent witnesses? Gamblers with dice, etc., . . 34–36

CHAPTER II.

MISHNAS I. to IV. If the Beth Din did not know (the witness), another was sent with him to testify in his behalf. It once happened that R. Nehorai went to Usha on the Sabbath to testify (to the character) of one witness. The legend how the Boëthusians appointed false witnesses. Formerly bonfires were lighted (to announce the appearance of the new moon); but when the Cutheans practised their deceit it was ordained that messengers should be sent out. There are four kinds of cedars. The whole country looked like a blazing fire. Each Israelite took a torch in his hand and ascended to the roof of his house. Great feasts were made for (the witnesses) in order to induce them to come frequently. How were the witnesses examined? The sun never faces the concave of the crescent or the concave of a rainbow. (If the witnesses say) "We have seen the reflection (of the moon) in the water, or through a metal mirror, or in the clouds," "their testimony is not to be accepted." The chief of the Beth Din says: "It (the new moon) is consecrated," and all the people repeated after Him: "It is consecrated, it is consecrated." Pelimo teaches: "When the new moon appeared at its proper time, they used not to consecrate it," 37–42

MISHNAS V. and VI. R. Gamaliel had on a tablet, and on the wall of his upper room, illustrations of the various phases of the moon. Is this permitted? Yea, he had them made to teach by means of them. It happened once, that two witnesses came and said: "We saw the moon in the eastern part in the morning and in the western part in the evening." R. Johanan b. Nuri declared them to be false witnesses. Two other witnesses came and said: "We saw the moon on its proper day, but could not see it on the next evening." R. Gamaliel received them; but R. Dosa b. Harkhinas said: "They are false witnesses." R. Joshua approved his opinion. Upon this,

Gamaliel ordered the former to appear before him on the Day of Atonement, according to his computation, with his staff and with money. What R. Joshua did, and what R. Aqiba and R. Dosa b. Harkhinas said about it. What R. Hiyya said when he saw the old moon yet on the morning of the twenty-ninth day. Rabbi said to R. Hiyya: "Go to Entob and consecrate the month, and send back to me as a password, 'David the King of Israel still lives.'" The consecration of the moon cannot take place at a period less than twenty-nine and a half days, two-thirds and .0052 (*i.e.*, seventy-three Halaqim) of an hour. Even if the commonest of the common is appointed leader by a community, he must be considered as the noblest of the nobility. A judge is to be held, "in his days," equal in authority with the greatest of his antecedents. Gamaliel said to R. Joshua: "Happy is the generation in which the leaders listen to their followers, and through this the followers consider it so much the more their duty (to heed the teachings of the leaders)," 42–44

CHAPTER III.

MISHNA I. If the Beth Din and all Israel saw (the moon on the night of the thirtieth day), but there was no time to proclaim, "It is consecrated," before it has become dark, the month is intercalary. When three who formed a Beth Din saw it, two should stand up as witnesses and substitute two of their learned friends with the remaining one (to form a Beth Din). No greater authority than Moses, our master, yet God said to him that Aaron should act with him. No witness of a crime may act as judge, but in civil cases he may, ... 45–46

MISHNAS II. to IV. Concerning what kind of cornets may be used on New Year's and Jubilee days. Some words in the Scripture which the rabbis could not explain, until they heard the people speak among themselves. The cornet used on the New Year was a straight horn of a wild goat, the mouthpiece covered with gold. The Jubilee and the New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah's opinion was different. R. Jehudah holds that on New Year's Day the more bent in spirit a man is, and on the Day of Atonement the more upright he is (in his confessions), the better; but R. Levi holds the contrary. "On the fast days two crooked ram's-horns were used, their mouthpieces being covered with silver." According to whom do we nowadays pray: "This day celebrates the beginning of thy work, a memorial of the first day"? It is unlawful to use a cornet that has been split and afterwards joined together. If one should happen to pass by a synagogue, or live close by it and should hear the cornet, he will have complied with the requirements of the law. If one covered a cornet on the inside with gold it might not be used. If one heard a part of (the required number of) the sounds of the cornet in the pit, and the rest at the pit's mouth, he has done his duty. If one blew the first sound (Teqia), and prolonged the second (Teqia) as long as two, it is only reckoned as one. If one who listened (to the sounds of the cornet) paid the proper attention, but he that

blew the cornet did not, or *vice versa*, they have not done their duty until both blower and listener pay proper attention. If special attention in fulfilling a commandment or doing a transgression is necessary or not. As long as Israel looked to Heaven for aid, and directed their hearts devoutly to their Father in Heaven, they prevailed ; but when they ceased to do so, they failed. All are obliged to hear the sounding of the cornet, priests, Levites, and Israelites, proselytes, freed slaves, a monstrosity, a hermaphrodite, and one who is half-slave and half-free. One may not say the benediction over bread for guests unless he eats with them, but he may for the members of the family, to initiate them into their religious duties, . . . 46–52

CHAPTER IV.

MISHNAS I. to IV. Regarding if the New Year fall on Sabbath. Where the shofer (cornet) should be blown after the Temple was destroyed. What was the difference between Jamnia and Jerusalem ? Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Johanan b. Zakkai to the Benai Betherah : "Let us sound (the cornet) !" "First," said they, "let us discuss !" R. Johanan b. Zakkai ordained that the palm-branch should everywhere be taken seven days, in commemoration of the Temple. Since the destruction of the Temple, R. Johanan b. Zakkai *ordained* that it should be prohibited (to eat of the new produce) the whole of the day of waving (the sheaf-offering). Once the witnesses were delayed in coming, and they disturbed the song of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service. Concerning what songs the Levites had to sing every day from the Psalms. What did the Levites sing when the additional sacrifices were being offered on the Sabbath ? What did they sing at the Sabbath afternoon service ? According to tradition, a corresponding number of times was the Sanhedrin exiled. The witnesses need only go to the meeting place (of the Beth Din). Priests may not ascend the platform in sandals, to bless the people ; and this is one of the nine ordinances instituted by R. Johanan b. Zakkai, ... 53–57

MISHNA V. Regarding the order of the benedictions on New Year's Day at the morning prayer, additional prayers, and at what time the cornet must be blown, etc. What passages from the Scriptures are selected for additional prayers on New Year's Day. To what do the ten scriptural passages used for the Malkhioth correspond ? How many passages must be recited from Pentateuch, Prophets, and Hagiographa ? We must not mention the remembrance of the individual (in the Zikhronoth), even if the passage speaks of pleasant things. What are the passages which must be said in the benediction of Malkhioth, Zikhronoth, and the Shophroth ? R. Elazar b. R. Jose says : "The Vathiqin used to conclude with a passage from the Pentateuch." "Hear, O Israel, the Lord our God is our Lord," may be used in the Malkhioth. The second of those who act as ministers of the congregation on the Feast of New Year shall cause another to sound the cornet on days when the Hallel (Service of Praise, Ps. cxiii.–cxviii.) is read.

We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet), even on the Sabbath. The order, and how many times it must be blown ; also, the different sounds and the names of them. How all this is deduced from the Bible, and the difference of opinions between the sages. Generally the soundings of the cornet do not interfere with each other, nor do the benedictions, but on New Year's Day and the Day of Atonement they do. R. Papa b. Samuel rose to recite his prayers. Said he to his attendant, "When I nod to you, sound (the cornet) for me." Rabha said to him, that this may only be done in the congregation. A man should always first prepare himself for prayer, and then pray. R. Jehudah prayed only once in thirty days, ... 57–66

SYNOPSIS OF SUBJECTS

OF

VOLUME V.—TRACT PESACHIM.*

CHAPTER I.

MISHNA I. What is meant by Or? The explanation of the phrase (Job xxiv. 14), "with the earliest light." At no time should a man allow an ill-sounding word to escape from his mouth. What the two disciples of Rabh and R. Johanan b. Zakkai said: Go and report it to the horses. If a house was rented and it is not known whether the leavened bread had been searched for. If a man leave his house and intend to return on the Passover. Two things are without the province of man. If musty bread was found in a chest. By what light search for leavened bread must be made. Whether wine-cellars have to be searched, ... 1–14

MISHNAS II., III., IV., V. If a man leaves ten pieces of bread and finds nine, or nine heaps of Matzoth, and one heap of Chometz, and finds ten. When search for Chometz must be made. The reason why Chometz must be removed on the fourteenth of Nissan. If a Gentile came into the court of an Israelite on Passover. Of the Gentile who stored a basketful of Chometz with Johanan Hakuka. The two thanksgiving-offering cakes laid on the benches. What R. Hanina the Sagan of the priests said. If there were doubtful beverages, ... 14–29

CHAPTER II.

MISHNA I. What one may do as long as it is lawful to eat unleavened bread. Why the Mishna enumerates domestic and wild animals. Whence we know that no benefit may be derived from leaven on Passover. Wherever it is written, "Ye shall not eat," the object in question must not even be used. By means of what a man is permitted to cure himself when in danger. A man must rather permit himself to be slain than to slay another. According to whom the Halakha prevails when Rabbi differs with an individual or the majority, ... 30–41

* See introduction to the synopsis in Tract Sabbath, Vol. I., p. xxix.

MISHNAS II., III., IV., V., VI. Concerning leaven belonging to a Gentile. Whether a man may eat the leaven of a Gentile. Whether earthenware pots used during the year must be destroyed before Passover. About an oven greased with fat immediately after it had been heated. If a Gentile lent money to an Israelite, taking as security leavened articles, and *vice versa*. About leaven covered by ruins. About leavened heave-offering. Whether leavened articles have a pecuniary value on Passover. With which articles a person acquits himself of the duty of eating unleavened bread on Passover. Whether one can acquit himself of the duty with bread kneaded with wine, oil, or honey. What is meant by bread of affliction. Why it is not allowed to prepare figured cakes on Passover, ... 41–59

MISHNAS VII. to IX. The duty of eating bitter herbs on the Passover. Whether lettuce is to be preferred to other bitter herbs. About soaking bran on Passover to feed fowls. Where the mother of Mar b. Rabhina bought her wheat for her son. Whether it is lawful to put flour into sauce or mustard. Whether it is lawful to cook the paschal lamb after it has been roasted. With which kind of water may a woman knead the dough, 59–67

CHAPTER III.

MISHNAS I. to V. Whether Babylonian Kuthach, Median beer, etc., may be used on Passover. About the paste used by scribes. Whether women are held to be equal to men in regard to prohibitory laws. About dough in the holes or crevices of a kneading-trough. About dull dough. How the first of the dough due to the priest can be separated on the Passover. About the three women who may knead dough for Passover, . . . 68–77

MISHNAS VI., VII., VIII. About dough which commences to become leavened. If the fourteenth of Nissan fall on the Sabbath, what must be done. When one going to fulfil a religious duty on the eve of Passover recollects that he has Chometz left at home. In which case may a scholar enjoy his meal. For what meritorious purpose a man should sell all his possessions. What R. Aqiba said about a scholar when he was ignorant. What sentiment a man who occupies himself with study of the law evokes in the heart of a common person. Why it is written that the Lord will be one, and His name will be one on *that day*, and not at present, . . 77–83

CHAPTER IV.

MISHNAS I., II., III., IV. How a man should conduct himself who removes from a place where a thing is allowed to a place where it is not allowed, or *vice versa*. If one depends on the earnings of his wife. Those who write scrolls, etc., or sell them, etc., do not perceive any blessing for their work. What Rabba bar bar Hana said to his son. What R. Johanan b. Elazar related. May we, being versed in the calendar, do work on the second day of a festival in exile? Whether roasted meat may be eaten on the night of Passover. What justified Hananiah, Mishaël, and Azariah to permit themselves to be thrown into the fiery furnace. When the fire of Gehenna was created. In what respect every man should consider himself a scholar. What it is permitted to do on the eve and intermediate days of a festival. What are the six things done by the inhabitants of Jericho and King Hezekiah, and which met with the rabbis' approval. Four shouts

sent up in the court of the Temple. What happened to Issachar, the man of the village of Barkai, ... 84–105

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* We were told that some readers made reference to the synopsis instead of to the text. We have therefore, in the synopsis of this tract, omitted all conclusions. We will do so, likewise, in the future.

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*See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix. ; also note at end of synopsis in Vol. V.

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* See Introduction to Synopsis in Tract Sabbath, Vol. I., p. xxix; also note at end of Synopsis in Vol. V.

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* See Introduction to Synopsis in Tract Sabbath, Vol. I., p. xxix.; also note at end of Synopsis in Vol. V.

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twenty-four orders of priests were alike entitled to share the pieces of offerings of the festival, and in the shewbread, for what purpose? Whence do we deduce that all the orders of priests had equal shares in the offerings that were said to be sacrificed on the festivals? If a festival falls before or after a Sabbath, all the twenty-four orders share alike in the shewbread. What is meant by before or after? About the order of Bilgah, when Miriam his daughter becomes an apostate, and what she said when the enemy entered the sanctuary, and what was done to the whole order, . 85–92

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* See footnote in Tract Succah.

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* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix.; also note at end of synopsis in Vol. V.

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OF

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CHAPTERS IV. and V. Who are considered relatives of the first and second degrees? The regulations of an *Onen* (a mourner before the burial of the dead), and the period of Aninuth (see Commentary, p. 13). Over what relatives priests and high-priests may defile themselves. The decision of the sages as to the exhumation of a body for the purpose of examination as to age, and the reasons therefor. For what purposes the high-priest may or may not leave Palestine. Who is considered a Meth-Mitzvah (see Commentary, p. 17), and what shall be done with him, and how a Meth-Mitzvah was the incident which caused R. Aqiba to be counted among the wise. What work may and what may not be done by a mourner. What must be observed during the seven, the thirty days, and during the whole year of mourning. The exact periods for weeping, lamenting, not to calender clothes, and not to cut the hair, which must not be exceeded. Whence is it deduced that mourning lasts for seven days? When one mourning succeeds another. The regulations concerning the ban and for how many days it shall continue, ... 12–23

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CHAPTERS VIII. and IX. The different opinions about the canopy that is to be made for a dead bridal couple, and what eatables may be destroyed in their honor. The execution of Simeon, Ishmael, Aqiba, etc., and the lamentation over them by the sages, in detail. The *a fortiori* conclusion, drawn from many biblical passages, how a man must avoid to come in contact with evil subjects. About what dead relatives must one rend his garments, and the rending of garments over scholars, chiefs of a college, etc. When the rent may be mended. The size of the rent. If a mourner travels from one place to another. The obligation of lowering the couches and when they may be placed in proper condition. The saving of the garment which was upon the dead, ... 30–45

CHAPTERS X. to XII. From the performance of what religious duties a mourner is exempt. The funeral meal. The standing in line of the consolers. What may and what may not be discussed in the presence of a dead body. The burial of rich and poor people and that of scholars, and what happened to Aqiba when his son died. The difference in the burial and lamentation of a man and a woman. The preference of way of a bridal procession over that of a funeral, and what happened to King Agrippa. The sweeping and the besprinkling of a mourner's house. A recent and remote information. The different societies that were in Jerusalem for attending weddings or funerals, etc. The four sages that came to console R. Ishmael when his sons died, and what they said. When the consolers are permitted to speak consolation. About the burial of the bones of two dead bodies in one grave. The saying of R. Eliezer b. Zadok as to what his father commanded him in regard to his burial, and what Abba Saul said in his will to his son. When a hearse is used. What Hanina b. Teradion did when his son was executed as a robber, ... 45–57

CHAPTERS XIII. and XIV. From what religious duties a gatherer of bones is exempt. The places in which bones and the Scriptures must be placed when being removed. When is it allowed to remove a corpse from one grave to another? If it is allowed to bury two corpses, or one corpse and bones of another corpse, in one grave. If benefit may be derived from a building over a vacant grave or from a vacant coffin. How a cemetery must not be considered *vilely*. If graves may be changed from one family to another. Is occupancy (*Hazakah*) considered with graves? The three different kinds of graves. A cemetery which surrounds the city on three sides. The seven standings and sittings after the burial. The ten goblets of wine that the sages have ordered in the house of a mourner. What shall be said in the fourth meal benediction in the house of a mourner? 57–62

SECTION NEZIKIN (JURISPRUDENCE).

SYNOPSIS OF SUBJECTS

OF

TRACT ABOTH (FATHERS OF THE SYNAGOGUE).

[Several requests have been received by the translator that an index should be made to the volumes of the Talmud, as is customary with all modern works. It would be an utter impossibility to give a complete index of everything contained in the Talmud. Were it like other scientific works, which treat each subject separately, this could easily be done ; but with the Talmud it is different. On one page many different subjects may be discussed, and again a single subject may occupy several pages. The Talmud, therefore, has never had an index.

After careful examination of the volumes, page by page, it has been decided to make a synopsis, *i.e.*, to give briefly the heads of the discussions and conversations upon each Mishna, indicating the page where the Mishna is to be found, and the Gemara of each one, which serves as a commentary. By this the reader should be able to refer to what he desires to know.

A synopsis is therefore given of every Mishna which discusses a single subject, with its accompanying Gemara—in this volume, the Tosephtha ; but when several short Mishnas cover the same subject, a single synopsis is given of the whole, including the Gemara of each one ; and where a chapter is short, a synopsis of the whole chapter is made, without dividing it into Mishnas.

This is the best that can be done, and it is hoped that readers will find it satisfactory.]

CHAPTER I.

MISHNA *A*. The Great Assembly originated three maxims. Be deliberate in judgment. How so ? The books of Proverbs, Song of Songs, and Ecclesiastes were hidden. How was Adam created ? Why was Adam created on the last hour of the sixth day ? On the same day on which he was formed, on the very same day his countenance was created. According to others : "Be deliberate in judgment" means not to have an irascible manner. Erect safeguards for the Law. The safeguard of the Lord, of Adam the First. The legend about Eve and the serpent, etc. The ten curses with which Eve was cursed at that time. "Shall I and my cattle eat out of the same trough ?" The tradition about the ox of Adam, the steer of Noah, and the ram sacrificed by Abraham, ... 1–11

CONTINUATION OF CHAPTER II. OF TOSEPHTHA.—What is the safeguard that the Torah made to its words? What Elijah the prophet answered the widow of the scholar who died in the prime of his life. What is the safeguard that Moses made to his words? The reason why Moses broke the Tables? What is the safeguard that Job made to his words? The safeguard that the prophets made to their words. The safeguard that the Hagiographers made to their words. The safeguard that the sages made to their words, ... 11–19

CONTINUATION OF CHAPTER III. OF TOSEPHTHA.—Whoever takes a coin from charity when not in need of it, etc. Study the Law in thy old age, even if thou hast studied it in thy youth. If you gave a coin to a poor man in the morning, and another one begs of you in the evening, give him also. What happened to a poor man with R. Aqiba. What happened to Benjamin the Just, ... 19–21

MISHNA *B*. The motto of Simeon the Just. Upon the Torah, how so? Upon service, how so? Upon bestowal of favors, how so? Rabban Johanan b. Zakkai and Vespasian. In three things mankind differ one from the other, ... 22–26

MISHNAS *C* AND *D*. Be not like slaves who serve their masters for the sake of compensation. Let the fear of Heaven be upon you. Let your house be the meeting place of the wise. How did R. Aqiba begin his wonderful career? Not less astonishing was the literary career of R. Eliezer. How his father Hyrkanus reached the seats of Ben Zizith Ha Kesseth, Nakdimon b. Gurion, and Calba Shebua, ... 26–32

MISHNAS *E* AND *F*. Let thy house be wide open for the poor. When the great affliction came upon Job, he prayed, etc. Teach thy house humility—the different explanations of this saying. Get thee a wise teacher. Judge everyone from his favorable side. The legend about a maiden who was led into captivity and the pious men who went to redeem her. Not only were the upright of former times themselves very strict and particular, but also their cattle were so. The ass of R. Hanina b. Dosa, . . . 32–38

MISHNA *G*. Keep aloof from a wicked neighbor. Slanderers are punished with plagues. The legend about Moses, Aaron, and Miriam. Do not consider thyself exempt from God's chastisement, ... 38–41

MISHNAS *H* TO *K*. Make thyself not as those that predispose the Judges. Love work—how so? Do not care for superiority. See to it that your name be not known to the Government. Ye wise, be guarded in your words. Love peace—how so? Moses desired to die the same death Aaron did—how so? The legend of the death of Moses, at length. Pursue peace—how so? Love all men too, and bring them nigh unto the Law, . . 41–50

MISHNAS *L* TO *Q*. If I do not look to myself, who will do so? And if not now, when? He who does not desire to learn from his masters is not worthy to live. He who increases not, decreases—how so? He who serves himself with a tiara perishes. Fix a time for study. Promise little and do much. Receive everyone with friendly countenance. Make a master to thyself. "I have never found anything better for a man than silence." Three things support the world. The disciples of Hillel; of R. Johanan b. Zakkai—what was said about them and what they used to say. The consolation of R. Johanan b. Zakkai by his disciples when his son died. Thy

fellow's honor must be as dear to thee as thine own. Do not allow thyself to be easily angered. The two proselytes that came before Hillel and Shammai. Repent one day before thy death, ... 50–58

CHAPTER II.

MISHNAS *A* TO *M*. In choosing the right path, see that it is one which is honorable to thyself and without offence to others. All who occupy themselves with communal affairs should do it in the name of Heaven. Do His will as if it were thy own, that He may do thy wil as if it were His. Pass not judgment upon thy neighbor until thou hast put thyself in his place. The boor can never fear sin, and the ignorant can never be truly pious. The more feasting the more food for worms. What is the best thing to cultivate. Which is the evil way a man should shun. Warm thyself before the light of the wise. An envious eye, evil propensities, and misanthropy drive a man out of the world. The legend about Joseph the Just, R. Zadoq, R. Aqiba, R. Eliezer the Great, etc. How difficult it is for man to avoid the evil propensities. Love everyone except the infidels, the enticers, the misleaders, and the informers. Thy neighbor's property must be as sacred as thine own, ... 58–65

MISHNA *N*. Set thyself to learn the Law. Johanan b. Zakkai and the daughter of Nakdimon b. Gurion. Let noble purpose underlie thy every action. The sages who were recounted of R. Jehudah the Prince. How they were named by Issi b. Jehudah, ... 65–70

CHAPTER III.

MISHNAS *A* TO *V*. Consider three things, and you will not fall into transgression. Pray always for the welfare of the Government. Whoever takes the words of the Torah to his heart. Render unto God what belongs to Him, for thou and all thou hast are His. Whomsoever fear of sin precedes, his wisdom prevails. He whose works are in excess of his wisdom, his wisdom will endure. Be pliant with thy chief. Receive every man with cheerfulness. Mockery and frivolity are the forerunners of immorality. Everything is foreseen and free will is given. The world is judged by grace. All that we possess is merely a trust. Without knowledge of religion there can be no true culture, and without true culture there is no knowledge of religion. Qinim, canons, astronomy, and geometry are after-courses of wisdom, ... 70–81

CHAPTER IV.

MISHNAS *A* TO *P*. Who is a wise man? He who learns from everybody. Despise no man, and consider nothing as too far removed to come to pass. Be exceedingly lowly of spirit. Wear not the law of God as a crown to exalt thyself withal. Judge not alone, for none may judge alone save One. Whatsoever congregation is for the sake of Heaven will in the end succeed. Let the honor of thy disciple be as dear unto thee as the honor of thine asso-

ciate. Be careful in thy study, for error in study counts for an intentional sin, ... 81–86

MISHNA *Q*. Neither the security of the wicked nor the afflictions of the righteous are within the grasp of our understanding. Be beforehand in saluting every man. Be the lion's tail rather than the fox's head. Do not seek to appease thy friend in the hour of his passion. Look not upon the pitcher, but upon what it contains. Envy, sensuality, and ambition destroy life. Accept not the assurance of thy passions, that the grave will be a place of refuge for thee. Without thy consent wert thou created, born into the world without thy choice. Thou art living without thine own volition, without thine approval thou wilt have to die. About the death of Eliezer the Great. Set something apart for charity, before you are compelled to do so by others. Lower thy seat two or three rows from the place you intend to occupy. There are three persons whose life is not worth living. The safeguard for honor is refraining from laughter. The safeguard for wisdom is silence. Whoever marries a woman not suitable to him transgresses five negative commandments. Do not be as the lintel, which no hand can reach, etc., ... 86–95

MISHNA *Q*. (continued). Those that despise me shall be lightly esteemed. The support of the wise, etc. Do not keep away from a precept which has no limit. Let the honor of thy disciple, etc. There is grain in Judea, straw in Galilee, and chaff on the other side of the Jordan. There is no love such as the love of the Torah. There is no wisdom such as the wisdom of manners. Whoever maintains peace in his own household, etc. The words of the Torah are as difficult to acquire as silken garments and are lost as easily as, etc. All those things which are done in private shall be done as if they were done publicly. Do not isolate thyself from the community. The disciples are divided into three classes, etc. Whoever constitutes the Torah as the chief good, and considers worldly affairs as a secondary thing, etc. Conciliate not thy friend in the hour of his anger. The scholars are divided into four classes: One studies but does not teach others, etc. If one honor his friend for pecuniary considerations, he will in the end be dismissed in disgrace, etc. On account of the four different means of forgiveness, etc. Repentance must be to every one of them. However, one who has profaned the name of heaven has not the power to repent. Wherefore do scholars die before their time. Be careful in greeting thy neighbors. He who neglects the words of the Law on account of his riches. There is a case where one transgresses ignorantly, etc. One who connects himself with transgressors, etc. The punishment of the liar is that even when he tells the truth he is not believed, ... 95–103

CHAPTER V.

MISHNAS *A* TO *G*. By ten sayings the world was created. For what purpose is this stated? Whence is it deduced that a single person is equal to the whole creation? The Holy One, blessed be He, showed unto Adam all succeeding generations, together with their preachers, directors, leaders, prophets, heroes, criminals, and their pious. Nine hundred and seventy-

four generations before the creation of the world, the Torah was already written, etc. He created in man all that he created in his world—how so? Ten generations were there from Adam to Noah. For what purpose was this stated? The Lord said: I will not equal the evil thoughts to the good thoughts so long as their fate has not yet been sealed. Ten generations were there from Noah to Abraham. For what purpose was it necessary to state this? With ten temptations was Abraham our father tempted. They are as follows, etc. In contrast with these ten temptations the Lord performed ten miracles for his descendants in Egypt. When our fathers stood by the sea, etc. "Arise, and pass through it," etc. With ten temptations did our ancestors tempt God in the wilderness. By means of ten trials the Holy One, blessed be He, tested our forefathers. This sin with which the Israelites were afflicted is enough for that time, etc. Ten names of praise are applied to the Holy One, blessed be He. Ten ignominious names are applied to the idols. There are two sons of the clear oil. This refers to Aaron and Messiah. In the Torah there is written eleven times the word "she" when it ought to be "he." Ten times did the Shekhina descend upon the earth. Ten degrees the Shekhina removed itself from one place to another. A prophet is called by ten different names. There are ten names for the Holy Spirit. Ten are called "living." Ten miracles were wrought for our fathers in Egypt, ... 103–115

MISHNAS *H* TO *O*. Ten miracles were performed for our forefathers in Jerusalem. Jerusalem never was defiled by leprosy. How Kimchith, the mother of R. Ishmael, saw her two sons as high-priests on the same day. The men of Sodom have no share in the world to come. About Kora'h and his company. "The Lord killeth, and maketh alive; he bringeth down to the grave, and bringeth up," has reference to them. The generation of the desert. "Gather together unto me my pious servants, who make a covenant with me by sacrifice," has reference to them. The ten tribes have no share in the world to come. R. Aqiba, however, said: "As the day is first dark and then lightens up, so also their darkness will be followed by light." The following seven have no share in the world to come, etc. There are three kings and four commoners who have no share in the world to come. Absalom has no share in the world to come. Seven things mark the clod, and seven there are for the sage. There are seven creations of as many grades of importance. Man possesses six qualifications, three of which belong also to the beast, and three to the angels. The evil spirits possess six qualifications, three of which belong to man. There are seven sorts of hypocrites. That which is hidden is only so from human beings, but not from Heaven. There are seven things which, if used moderately, are wholesome to the body, and if in excess are the reverse. With seven things God created the world. Seven attributes are serving before the throne of Grace. There are seven dwelling-places. A wise man does not speak before those who surpass him in wisdom and years; and does not interrupt another in his speech; admits the truth, etc. Seven kinds of punishments come on account of seven cardinal transgressions. About the execution of R. Simeon b. Gamaliel and R. Ishmael b. Elisha the high-priest. Captivity comes upon the world, etc. Five are not to be forgiven. Four kinds of views are held by men concerning property, ... 115–131

MISHNAS *P* TO *GG*. There are four kinds of dispositions among men. There are four kinds of pupils. There are four kinds of charity-givers. There are four kinds of visitors of the house of learning. There are four kinds of the disciples of the wise. Love inspired by ulterior motives, etc. Whatsoever gainsaying is for the sake of Heaven will have good results. Whosoever causes many to be righteous, sin prevails not over him. In whomsoever are the following three things, he is a disciple of Abraham, etc. Be courageous as the panther, light-winged as the eagle, swift as the deer, and strong as the lion. One five years old should study Scripture, etc. Turn it and turn it again, for everything can be found therein, . 131–133

CHAPTER VI.

MISHNAS *A* TO *R*. Whosoever is busied in Torah for the love thereof merits many things. Every day a Heavenly voice goes forth from Mount Horeb and proclaims as follows, etc. He who learns from his companion one chapter, etc., is bound to do him honor. The path of Torah, etc. Seek not greatness for thyself, and desire not honor. Greater is Torah than the priesthood, and than the kingdom. There are four things which bear good fruit in this world. A meritorious act has both principal and benefit. One who causes many to be righteous, no sin prevails upon him. Regarding dreams, there are four sages, three scholars, three books of the prophets, and three books of the Hagiographa. Every assembly that is for the sake of performing a religious duty remains everlasting. Comeliness, strength, wealth, honor, wisdom, age, hoariness, and sons are becoming to the righteous, etc. If thou shouldst give me all the silver, gold, and goodly stones and pearls that are in the world, I would not dwell but in a place of Torah. Five possessions had the Holy One in this world. Whatsoever the Lord created in this world He created only for His glory. There are three crowns: the crown of Torah, priesthood, and kingdom. Three things were said of charitable men. There are three different kinds among scholars. There are three different kinds of sweat that are beneficial to the body. There are six kinds of tears. There are three advantages in an earthen vessel. There are three advantages in a glass vessel. The money that the Israelites carried away from Egypt returned to Egypt. If you do the least wrong to your companion, it shall be considered by you the greatest wrong, etc. The following articles were hidden, etc., ... 133–143

SYNOPSIS OF SUBJECTS

OF

TRACT DERECH ERETZ—RABBA AND ZUTA.

RABBA.

CHAPTER II.

Of the Sadducees, common informers, the wicked, the hypocrites, the heretics, the Scripture says, etc. Of the terrifying, the overbearing, the haughty, the barefaced, and of those who develop only their muscular strength, the Scripture says, etc. Of evil-thinkers, story-tellers, tale-bearers, smooth-tongued persons, the Scripture says, etc. Who assaults his neighbor in private, and who insults him in public, etc. Who forestalls fruit, raises the prices, diminishes the measure, accepts payment in large-sized shekels only, and who lives on usury. The following leave no inheritance to their children, etc. The conceited, the slanderers, and those who indulge in obscene language, who are wise in their own eyes, etc. Who lets his young son marry an older woman, and who marries off his daughter to an old man, and who bestows favors upon those who are unworthy, etc. Who betrays his partner, does not return a lost thing to its rightful owner, loans money to another in order to get possession of his house and field, and who lives immorally with his wife, and maliciously slanders his wife, etc. Who are wronged and do not wrong, who consider themselves contemptible, and who overcome their passion, etc. Who loves his wife as himself, honors her more than himself, who leads his children on the right path, and who marries off his son in due time, etc. Who loves his neighbor, loans even a small amount to a poor man, etc. Who truthfully repent, who receive the repentant into their midst, who judge rightfully, reprove truthfully, propagate purity, are pure of heart, are merciful, distribute charity, exert themselves in the study of the Law. Search for an opportunity to do good, pursue righteousness, etc. On account of the following four things an eclipse of the sun occurs, etc. On account of the following four things an eclipse of both the sun and the moon occurs, etc. On account of the following four

things the estates of the citizens are destroyed, etc. Do not fret thyself to be equal to the evil-doers. There is no sitting above, neither is there eating, etc., ... 1–6

CHAPTERS III. TO VI.

ONE who bears in mind the following four things, etc., will never sin. Think of a big palace in the centre of which the vat of a tanner is placed. If a man allows his lips to pass only respectable words. Be careful, each of you, in honoring your neighbor. Be always pleasant at your entering and at your leaving. The angels, Abraham, and Lot. It is customary that, when entering, the master of the house enter first and the guest after him; the reverse when leaving. Never shall a man enter the house of his neighbor without permission. The philosopher, Rabban Gamaliel, and his comrades. Always consider strangers as burglars, and at the same time honor them as if each of them were R. Gamaliel himself. One who enters his neighbor's house shall do what he is told by the host (provided it is legitimate). The legend about Simon b. Antiptaris, his guests, and R. Jehoshua. A man shall never be angry at his meals. Always shall a man try to agree with the majority of the people. Hillel the Elder, his wife, and the poor man. One shall not begin to eat the heads, but the leaves, of garlic or onions, ... 6–12

CHAPTERS VII. TO IX.

WHEN two are sitting at the table, the elder one commences to eat first and the younger one after him. One shall not eat before the fourth hour. One who enters a house shall not ask for food, but shall wait until he is invited. One should not offer presents to his neighbor, knowing that he would not accept them. When one who does not intend to buy is in the market, he should not ask for the prices, for he misleads the sellers. One should not use a slice of bread to cover therewith a dish. Five things said Rabbi in regard to bread. One who comes to the table to take his meal shall not take his portion and give it to the waiter. Guests must not give anything to the son of the host, etc., ... 12–15

CHAPTERS X. AND XI.

ONE who enters the bath-house may say, etc. How should one conduct himself before bathing? One who is not careful is an ass's equal; one who eats in the market is a dog's equal. One must not spit in the presence of his neighbor, even in a bath-house. One shall not greet his neighbor when he is washing himself. He who walks the road. A common informer is considered a murderer. He who hates his neighbor without cause is also considered such. One who sets a definite time for the redemption of Israel through Messiah will have no share in the world to come, . . 16–19

ZUTA.

CHAPTERS I. TO IV.

WHAT are the qualities of sages? Their thought concerning this world. If you have sustained a loss of your property, remember that Job, etc. When you hear others insult you, do not answer them. Love the Law; love all creatures and respect them. Love doubtfulness. Keep aloof from everything that may bring to sin. Keep aloof from grumbling. Seven patriarchs are resting in glory. Let all thy ways be for the sake of Heaven. Do not discuss in the presence of one who is greater than you in wisdom. Accept the words of Law, even when you are in affliction. Be afraid of a light sin. Do not say, "I will flatter this man," etc. If thou hast done much good to some one, consider it as very little. If others have done thee much wrong, etc. Do not hate the one who reproves thee. Let it be thy habit to say, "I do not know." The commencement of making vows is the door to foolishness. Fifteen customs are ascribed to the sages. Be as the lower threshhold, upon which all persons tread. The society of scholars is always agreeable. What should one study more—Scripture, Mishnayoth, or Talmud? No pay shall be exacted for teaching. Do not complain of your being less wise than another. Do not complain that another one is beautiful and you are ugly. Let your ears not listen to vain talk. Be not afraid of the court of justice on earth. If you perform all the commandments with joy, etc. All that is said above is a warning to you, ... 25–27

CHAPTERS V. TO IX.

A SCHOLAR must not eat standing, etc., etc. By four things the scholar is recognized, etc. The beauty of wisdom is modesty. The beauty of noble performance is secrecy. Four things are derogatory to scholars, etc. When entering, the greater shall be first, etc. For saying benediction, the greater is first. The first step to sin is in one's thoughts. A scholar must be careful in his eating, drinking, washing, anointing, etc. After peace but not after war. Rather follow behind a lion than behind a woman. Who respects the sages?, etc. Keep aloof from anger. Love the poor in order that your children shall not come to poverty, etc. If you keep your mouth from slander, you will spend all the days of life in peace. When you see your neighbor has become poor, do not refuse to help him. If you lower yourself, the Lord will lift you up. This world resembles the eyeball of a man, etc., ... 27–31

THE CHAPTER ON PEACE.

ALTHOUGH evil decrees are enacted, one after another, against Israel, still they endure forever. Seek peace at the place where you are, and if you do

not find it, seek it in other places. All manner of lying is prohibited, except it be to make peace between one and his neighbor. Great is peace, in that the covenant of the priests was made with peace. When the Messiah shall come to Israel, he will begin with peace. Great is peace, in that all the benedictions and prayers conclude with peace. He who loves peace runs after peace, offers peace, and answers peace, the Holy One, etc., . 31–34

SYNOPSIS OF SUBJECTS

OF

TRACT BABA KAMA (THE FIRST GATE).*

CHAPTER I.

MISHNA *I.* There are four principal cases of tort, etc. One thing is common to all. They are all likely to do damage and must be guarded against. The case of doing damage by digging up gravel. The different explanations of the word "mabeh" by Rabh and Samuel (foot-note). There are thirteen principal tort-feasors. The depository,† etc. There are twenty-four principal tort-feasors. What are the derivatives of all those principals? Why are the four principals, ox, excavation, mabeh, and fire, enumerated separately in the Scripture? From what and what kind of property must damage be collected? When the standard is taken, is it taken of one's own lands or of those of the public in general? In order not to close the door to borrowers, the sages have enacted that creditors should be paid out of the medium estates. If one conveys his estates to one or several persons, from whom and from what estates shall the creditors collect the money due them? In case one does a meritorious thing he shall do it up to one-third, ... 1–16

MISHNAS *II.* TO *V.* In all that I am charged with taking care of I have prepared the damage. There is a more rigorous rule in case of the ox than in the cases of the pit and the fire, and *vice versa*. How so? If one left his ox in charge of five persons, and one of them left intentionally and the ox caused damage, what is the law? No appraisement is made for a thief or robber. If one hypothecates his slave or his ox and thereafter sells him. There is a difference between movable and immovable real estate. Slaves are considered movable real estate. During the killing, the bringing of the suit, and the making of the award there shall be one and the same owner. There are five cases which are considered non-vicious and

* See introduction to Synopsis in Tract Aboth, Vol. I. (IX.), p. xi.

† Farther on we use the term "gratuitous bailee," as being more comprehensive.

five which are considered vicious. The tooth is considered vicious to consume, etc. What is a Bardalis? What is meant by "best estates"? The meaning of the verse Is. xxxii. 20, ... 16–29

CHAPTER II.

MISHNAS *I.* TO *III.* What tendency makes the foot to be considered vicious? Cocks that were flying from one place to another, and broke vessels with their wings. Cocks that were hopping on dough or on fruit, and made the same dirty, or that were flying and the wind produced by their wings damaged vessels, or that were pecking at a rope from which a water-pail was suspended, and, severing the rope, broke the water-pail—what is the law? The distinction between primary and secondary force. A dog that snatched and carried off a cake from the burning coals, and with the burning coal that stuck in the cake set fire to the barn, etc. There can be viciousness in case of "gravel in the usual way." If an animal was walking in a place where it was impossible not to kick up gravel, and she kicked, and by so doing kicked up gravel and caused damage; or if an animal caused damage by shaking the tail—what is the law? What tendency makes the tooth to be considered vicious? It happened that an ass consumed a loaf of bread contained in a basket and chewed up the basket, etc. If an animal was standing on private ground and an article was rolling toward the private ground, etc. About one who takes up his dwelling in the court of his neighbor without the latter's knowledge. One who rents a house from Reuben must pay the rent to Simeon, etc. If one uses an unoccupied house of another for storing wood and straw, etc., what is the law? A certain person erected a palace on the ruins belonging to orphans, etc. A dog or a goat that jumps down from the top of a roof and breaks vessels liable for the whole damage. If, however, they fall down, there is no liability. Is one's fire considered one's arrow or one's property? There is no liability for damages done by fire to concealed articles. How can such a case be found in the biblical law? The mouth of an animal (consuming something on the premises of the plaintiff), is it considered as if yet in the court of the plaintiff? There were certain goats belonging to the family of Tarbu that were doing damage to the property of R. Joseph, . 30–47

MISHNAS *IV.* TO *VI.* What ox is considered non-vicious and what vicious? One that has been warned for three days. The three days in question, are they such as to make the ox vicious, or do they also involve the owner? For one who sets his neighbor's dog on a third person, what is the law? An ox that gored, pushed, bit, lay down on, or kicked while on public ground pays half. The *a fortiori* argument regarding the half-payment of the horn. An ox that steps with his foot on a child lying on the premises of the plaintiff, what is the law in regard to the payment of atonement money? A human being is considered always vicious. One who carries a stone in his lap without being aware of it, and while getting up from his seat drops it, as regards damages he is liable. One who drops a vessel from the top of a roof upon the ground which has been covered with

pillows, and if another person remove them before the dropping of the vessel, etc., what is the law? Is a slave considered one's body, and an ox one's property? 47–56

CHAPTER III.

MISHNAS *I.* TO *V.* If one place a jug on public ground and another person stumble over it and break it, what is the law? One who kicks another with his knee is fined three selas; with the foot, five; with the fist, thirteen; what is the fine if one strike his neighbor with the handle or the iron of the hoe? A jug that broke on public ground and its contents caused a person to slip and fall, or one to be injured by its fragments, what is the law? About one who renounces ownership to his articles that cause damage. One who empties water into public ground, or one who builds his fence of thorns; or a fence that falls into public ground, and some persons were injured thereby, he is liable. The former pious men used to bury their thorns and broken glass in their fields three spans below the surface. All those who obstruct a public thoroughfare by placing chattels therein and cause damage are liable. If one carrying a barrel followed one carrying a beam, and the barrel was broken by the beam, what is the law? Potters and glaziers that walked one following the other, and one stumbled and fell, etc. If they all fell because of the first one, the first is liable for the damage of all of them, ... 57–69

MISHNAS *VI.* TO *XIII.* Two that walked on public ground, one running and the other one walking, etc., what is the law? One who chopped wood on public ground and caused damage on private ground, etc. One who enters a carpenter's shop without permission, and was struck on his face by a flying splinter. About employees who came to demand their wages from their employer and were gored by his ox or bitten by his dog. About two non-vicious oxen that wounded each other.

The difference in the explanation of the verse Exod. xxi. 35. About a non-vicious ox that has done damage and was sold, consecrated, slaughtered, or presented to somebody. About an ox of the value of two hundred selas that gored another ox of equal value and the carcass was of no value whatever. There are cases when one is liable for the acts of his ox and is free if they are his own acts, and *vice versa.* How so? The rule is that the burden of proof is upon the plaintiff. If one claims that he is positive, while the other one is not positive, what is the law? 69–81

CHAPTER IV.

MISHNAS *I.* TO *IV.* An ox that gores four or five oxen one after another, the last of them must be paid from the body of the goring ox, if he was yet considered non-vicious. About an ox that is vicious towards his own species, but not towards other species, or towards human beings, etc. There is a case where an ox became vicious "in alternate order." About an ox

belonging to an Israelite that gored an ox belonging to the sanctuary (see foot-note). An ox of a sound person that gored an ox belonging to a deaf-mute, idiot, or minor, there is a liability. If the reverse was the case there is none. There is a difference of opinion of the Tanaim as to whether a guardian is appointed in order to collect from the body of the ox. Guardians pay from the best estates, but do not pay the atonement money. About one who borrows an ox with the understanding that he was non-vicious and it was found out that he was vicious, ... 82–93

MISHNAS *V.* TO *IX.* An ox that killed a man by goring him, if he was a vicious one, the atonement money is to be paid, but not when he was a non-vicious one. How can there be found a vicious ox in regard to man? If one confers, saying, "My ox has killed a certain person," or "his ox," he has to pay on his own testimony. If one's fire has done damage without intention, is there a liability or not? About an ox that was rubbing against a wall, whereby the wall fell upon a human being and killed him. About an ox belonging to a woman, to orphans, or their guardian, etc., that killed a man. About an ox that was sentenced to be put to death and his owner consecrated him. About an ox delivered to a gratuitous bailee or a borrower, etc. About an ox which was properly locked up, but yet broke out and did damage. Whence is it deduced that one must not raise a noxious dog in his house, nor maintain a defective ladder? 93–105

CHAPTER V.

MISHNAS *I.* TO *VI.* About an ox that gored a cow and the new-born calf was found dead at her side. The cow and her offspring are not separately appraised. A potter that placed his pottery in the court of another, or one who led his ox into the court of another without permission, what is the law? When he assured the safety of the ox, did it only extend to himself or also to all cattle? About a woman that entered a house to bake, and the house-owner's goat, having consumed the dough, became feverish and died. About one who enters a court without permission and injures the court-owner, or the latter is injured through him. About one who said: "Lead in your ox and take care of him," and he did damage or was injured. About an ox which intended to gore another ox, and injured a woman and caused her to miscarry. To whom must the compensation for the miscarriage be paid, to the woman or to her husband? Does the increase in the valuation also belong to the husband? About an Israelite's pledge which is in the hands of a proselyte, and the latter dies without heirs. About one who digs a pit on private ground and opens it into public ground, or *vice versa.* One who digs and opens a well and delivers it over to the community is free. About one who digs a pit on public ground and an ox or an ass falls into it. Are the vapors therein contained, or is the shock received by the animal, the cause of death when falling into a pit? 106–120

MISHNAS *VII.* TO *IX.* When a pit belongs to two partners, and one of them passes by and does not cover it, and so also does the second, the latter only is liable. About a pit which was ten spans deep and which was com-

pleted by another one to be twenty, and still by another one to be thirty spans deep. Each span of water equals two of dry ground. If one dig a pit ten spans deep and another widen it toward one direction only, what is the law? One who sells his house, the title passes with the delivery of the keys. If he sells a flock of cattle, title passes with the delivery of the Mashkhukhith (the forerunning goat kept at the head of the flock as a leader). If he covered the pit sufficiently to withstand oxen but not camels, and camels came along and made the cover shaky and then oxen fell therein, what is the law? What about the *germon* of damage? About one who places a stone on the edge of the opening of a pit, and an ox stumbles over the stone and falls into the pit. About an ox and a man who together push some other into a pit. There is no difference between an ox and another animal as regards falling into a pit, to have been kept distant from Mount Sinai, payment of double, restitution of lost property, unloading, muzzling, Kilayim, and Sabbath. Nor is there any difference between the above-mentioned and a beast or bird. Why in the first commandments is it not written "that it may be well with thee," while in the second commandments it is? 120–130

CHAPTER VI.

MISHNAS *I.* TO *III.* If one drive his sheep into a sheep-cot and properly bolt the gate, but still they manage to come out and do damage, he is free. There are four things for which one who does them cannot be held responsible before an earthly tribunal, although he will be punished for them by the Divine court. Is armed robbery, when not committed publicly, still considered theft as regards the payment of double? For frightening away a lion from one's neighbor's field the law awards no compensation. How does it pay what it damaged? About one who came before the Exilarch and complained of another who destroyed one of his trees. One who destroys a young date-tree, what amount of damage must he pay? There was a case, and Rabh acted in accordance with R. Meir; but in his lectures, however, he declared that the Halakha prevails in accordance with R. Simeon b. Gamaliel (see foot-note). About one who puts up a stack of grain on another's land without permission. One who started a fire through the medium of a deaf-mute, etc., ... 131–142

MISHNAS *IV.* TO *VIII.* The law about one who starts a fire and it consumes wood, stones, or earth. No chastisements come upon the world unless there are wicked ones in existence. When pestilence is raging in town, stay indoors, etc. Why does the verse begin with the damage by one's property and end with damage done by one's person? About a fire that passed over a fence four ells high. If one starts a fire on his own premises, how far must it pass to make the starter liable? About one who causes his neighbor's stack of grain to burn down, and there are vessels therein which also are burned. If one allowed another to place a stack of wheat and he covered it with barley, or *vice versa*, what is the law? Is it customary with people to keep pearls in a money-pouch? The law about a spark that escapes from under a blacksmith's hammer and does damage, . 142–148

CHAPTER VII.

MISHNA *I.* The payment of double is more rigorous than the payment of four and five fold. The law about one who stole a lamb, and while in his possession it grew into a ram, etc. That a change acquires title is both written and taught. Why did the Scripture say that if he slaughtered and sold it he must pay four and five fold? A stolen thing, which the owners have not resigned hope to regain, cannot be consecrated, etc. The pious man used to place money in the vineyard on a Sabbatical year, declaring: "All that is plucked and gathered of this fruit shall be redeemed by this money." A writ of replevin which does not contain the following directions: "Investigate, take possession, and retain it for yourself," is invalid, . 149–159

MISHNAS *II.* TO *VI.* About two witnesses who testify that the one stole an ox or a sheep, and either the same or other witnesses testify that he slaughtered or sold the same. If he stole from his father. From what time on is a collusive witness disqualified to give testimony? If two witnesses testify that a certain person blinded his slave's eye, and thereafter knocked out one of his teeth, and they also testify that the owner of the slave admitted it, and subsequently the witnesses are found collusive, what must the collusive witnesses pay? If two witnesses testify that he stole it, and one witness, or he himself, testified that he slaughtered or sold it, he pays only two, but not four and five fold. One who admits that he has incurred the liability of a fine, and thereafter witnesses appear, what is the law? About a confession which is made after the appearance of witnesses, and the different opinions in regard to it. If the thief sells all but one hundredth part of it or he is a co-owner of it, what is the law? One who steals an animal which is lame or blind, or which belongs to a copartnership is liable, but partners that steal together are free. About one who steals an animal within the premises of the owner and slaughters or sells it outside of it, or *vice versa*. Why did the Scripture treat more rigorously with the thief than with the robber? Ponder over the greatness of labor, etc., . 159–174

MISHNA *VII.* No tender cattle must be raised in Palestine but in its forests. A shepherd (who raises tender cattle) that repented, we do not compel him to sell out all his cattle at once. No tender beasts shall be raised in Palestine, except dogs, cats, and monkeys. R. A'ha b. Papa said in the name of R. Hanina b. Papa three things. Upon ten conditions did Joshua divide the land among the settlers. The ten enactments of Ezra. No swine is permitted to be raised at any place. Rabbi, the Prince of Palestine, objected to the use of the Syriac language, and insisted that only the Holy and the Greek languages should be used in Palestine. R. Jose objected to the use of the Aramean language in Babylon, and insisted that the Holy and the Persian languages should be used. No dogs shall be kept unless on a chain. In the towns adjoining the frontier they must be kept on a chain only in the day time, ... 174–181

CHAPTER VIII.

MISHNAS *I.* AND *II.* The four items of damage: pain, healing, loss of time, and disgrace. How so? It happened that an ox lacerated the arm

of a child, and the case came before Rabha, etc. When the damage is paid for, how should the pain be appraised separately? Healing. If pus collected by reason of the wound, and the wound broke out again, etc. The sages say that healing and loss of time go together. If the defendant should say, "I will cure you myself, the plaintiff may object," etc. Shall we assume that the appraisement for the deafness is sufficient, or each of the injuries must be appraised separately? (See foot-note.) If one strikes another and makes him temporarily unfit to labor, what is the law? Disgrace—all those who sustain injury are looked upon as if they were independent men, etc. One who causes disgrace to a nude, blind, or sleeping person is liable. If one causes shame to a sleeping person who subsequently dies while asleep, what is the law? Is the reason because of the hurting of his own feelings, or because of the feelings of his family? Is a blind person required to perform all the commandments? and what R. Joseph, who was blind, said of that, ... 182–193

MISHNAS *III.* TO *V.* The law is more rigorous in regard to a man than in regard to an ox, etc. One who assaults his father or mother, but does not bruise them, and one who wounds another on the Day of Atonement, are liable to pay all the items of damage. To whom belongs the compensation received by one's minor daughter for a wound? About an investment for a minor and the nature thereof. Is a slave considered a "brother"? The Halakha prevails that the benefit in case of a woman who sells her right in the marriage contract belongs to herself; and if she bought estates therewith, her husband has nothing even in their income. If one blow into the ear of another, he pays one sela for the disgrace he caused him. What if one strikes another with the palm or with the back of his hand on the cheek? This is the rule: Rank and station of the parties are taken into consideration. May a witness be a judge in the same case? A non-vicious ox that killed a man and also caused damage to another, must his owner pay for the damage, besides the payment of the atonement money? All that was said concerning disgrace is only for the civil court, as to how much the plaintiff should receive, but there can be no satisfaction for the injury to the feelings, for which, if he would even offer all the best rams of the world, they would not atone, unless he prays the plaintiff for forgiveness. The origin of a series of sayings by the rabbis as well as by ordinary people. If one says to another, "Break my pitcher," etc. A money-pouch containing charity funds was sent to Pumbeditha, and R. Joseph deposited it with a certain man who did not take good care of it and it was stolen from him, and R. Joseph held him responsible. What Abayi said to him about it, 193–210

SYNOPSIS OF SUBJECTS

OF

TRACT BABA KAMA (THE FIRST GATE).*

CHAPTER IX.

MISHNAS *I.* TO *III.* If a change on the face of an article gives title to the possessor and if it is biblically? Would all the above-mentioned Tanaim trouble themselves to teach us a Halakha of the Beth Shammai? Robbers and usurers, if they make a restitution of their own accord, it should not be accepted, etc. There are three cases in which the increase is appraised and the payment is with money. I and the King Sabura are brothers in regard to court cases. (See foot-note.) Did not I tell you, You shall not change names? R. Joseph bar Hama used to compel slaves of his debtors to labor for him, etc. What were the coins of Jerusalem and what were the coins of Abraham the patriarch? Labor which cannot be recognized on the body of the animal as damaging, the civil court cannot make him liable for. Is a germon considered a direct pecuniary loss? May the court decide a case of a goring ox in its absence? If a specialist took a thing to repair it and he spoiled it. A builder who undertook to take apart a wall, and he broke the stones or bricks. A butcher specialist, if he has spoiled the meat he is a tort-feasor, and is also considered wilful, etc. Why so many reasons? "I think your brain is not in regular order." "Rabh did two good things regarding you. He prevented you from using a doubtful thing, and also restrained you from possible robbery." There was a woman who showed a coin to R. Hyya, etc. Resh Lakish showed a dinar to R. Elazar, and he told him it was a good one. He said then: "See, I rely upon you," etc., ... 211–228

MISHNAS *IV.* TO *VII.* If one gave wool to the dyer, and it was spoiled. To be dyed red, and it is dyed black, or conversely. To make a chair of it, and he has made a bench. Is the color of the dyes to be considered as existing upon the wool or not? In one tract is the order of the Mishna not to be taken in consideration, but in two different tracts it must be considered? The whole of Section Damages is considered as one tract. If one has given money to his messenger to buy wheat, and he buys barley. If one buys a field in the name of his neighbor. Kahana paid money for flax. In the mean time

* Continuation of previous volume.

the flax became dearer and the seller sold it (for Kahana's benefit). One who has stolen the value of a coin swears falsely and afterwards confesses. The same is the case in a deposit. If one has robbed one of five persons, and he does not know which of them. It happened with one pious man who bought of one of two persons, and he did not know from which of them. A messenger must not be made in his absence. It happened with R. Abba, who was the creditor of R. Joseph bar Hama, and the former asked R. Safra to bring, etc. "My master, do you mean to deduce from this Scripture that it must be paid, or you say is it common?" If one has robbed two bunches of the value of a parutha and had returned one of them, how is the law? He who denies a deposit is considered as a robber. As soon as the owner has taken an oath, he has not to pay. One who claims "stolen" on a deposit, or of a lost article he has found, must pay double, etc. The three oaths—first, that I have done all my duty in taking care of it; second, that I did not make use of it; and third, that it is not under my control. If a gratuitous bailee swore it was stolen, and, nevertheless, he paid: and then the thief was found. Where is my bailment? Lost! Do you swear by God? Amen. Witnesses testified that he himself had stolen it. If one robbed his father and swore falsely, and after his death he confessed. "I swear you shall have not any benefit from my estate." If one robbed a proselyte and swore, and afterwards the proselyte died. The priests who receive the robbery of the proselyte, are they considered heirs, or only receivers of a donation? 228–250

CHAPTER X.

MISHNAS *I.* TO *VI.* If one left money made by usury for his heirs, although they know of it, they are not obliged to return it. The brother-in-law of R. Jeremiah, who was a minor, shut the door in his face, etc. The testimony of witnesses can be taken even in the absence of the parties. May a document be approved even not in the presence of the party, or it must not? It is an obligation on the court to give notice to the defendant that his property will be sold. A messenger of the court should be trusted as two witnesses, etc. One must not be summoned by the court on the eve of a Sabbath. Money must not be changed from the treasury of duties, etc. Why contractors of duty are counted among murderers. R. Ashi happened to be on the road, and saw a vineyard in which some grapes were ripe, etc. A contractor of the government has the right to pledge a fellow-citizen for the duty of another citizen of the same city, etc. If the contractors returned him instead of his ass another one, etc. If one saved an estate from the stream or from robbers, etc. Are a woman and a minor qualified to be witnesses? A child was telling: It happened that my mother and I were prisoners among the heathens, and I did not turn away my eyes from my mother, etc., ... 250–262

MISHNAS *IV.* TO *VI.* If one recognizes his utensils or books by another. If a thief has sold out his stolen articles, and later it was recognized that he is the thief. If the thief was a notorious one. If one destroys his own goods for the sake of saving the goods of his neighbors. The redemption money of a caravan in a desert is to be charged proportionately to the amount each of

them possesses, etc. If a robbed field was taken away by land robbers. There was a man who showed to the contractor a heap of wheat belonging to the Exilarch. There was a man by whom a silver goblet was deposited, he presented it when he was attacked by robbers, . . . 262–270

MISHNAS *VII.* TO *XII.* If a stream has overflowed the robbed field. If one says, I have robbed you, and I don't know if I have returned it to you. One must not buy from the shepherds kids of goats, etc. And not fruits from the watchman. One who robs his neighbor, even the value of a parutha, is considered as if he would take away his life. One shall not buy from the carder flocks, because they are not his property. What about the splinters which fall out by the carpenter? 270–277

SYNOPSIS OF SUBJECTS

OF

TRACT BABA METZIA (MIDDLE GATE).

CHAPTER I.

MISHNA *I.* Two persons who hold a garment, and each of them claims that he has found it. A biblical oath is given only when there is an admission in part from the defendant. If the plaintiff claims a hundred and the defendant says only fifty, and here they are. If one claims a hundred, and the other denies all, and there are witnesses for fifty, what shall the oath contain? When one of the two holders overcame the other and took it away, what is the law? There was a bath-house about which two parties quarrelled—one of them arose and consecrated it. When two hold a note, the lender claims the note is not yet paid, and the borrower says the note is paid. Where is "the theory of because" to be used? The law is that leading gives title. If one was found riding upon a found ass, and another was holding the bridle, ... 1–17

MISHNAS *II.* TO *VI.* If one sees an article on the road, and says to his neighbor, bring it to me. If one picks up an article for another, the latter does not acquire title. Why so? If one has seen an article, and he fell upon it. If one has seen people running after a lame stag on his field. It happened that R. Gamaliel said: "The tithe which I am going to measure should be delivered to Joshuah." When one throws a purse of money through the open door. When a thing was found by one's minor son or daughter, or his Jewish man or maid servant, or his wife. When one has found a note which secures real estate. If Reuben sold a field to Simeon with security, and the creditor of Reuben came and took it away. Encumbered property is not liable either for the used fruits, etc., for the benefit of humanity. How a bill of sale must be written. If one buys an estate, knowing that the seller is not the real owner of it. If the robber after he has sold it bought it from the real owner. If one says that the estate which I am about buy now shall be transferred to you at the same time that I acquire title to it. When I was about six or seven years old, my father was among the scribes of Mar Samuel's court. If one claims a hundred zuz, and the other denies; afterwards he says, I have paid it. If one finds documents of divorce, of enfran-

chisement of a slave, of presents, etc. What is to be considered a will? documents signed by the court, documents of a claim, etc. What is meant by claiming documents? What is called a roll? When three borrowed from one, etc., ... 17–43

CHAPTER II.

MISHNAS *I.* TO *VI.* There are found articles which belong to the finder without any proclamation. If there is a change in the found article which usually ought not to be. The renouncing of hope in regaining a lost article whose loss is not yet certain. Amaimar, Mar Zutra, and R. Ashi happened to be in the garden of Mari bar Issak, and the gardener placed before them dates and pomegranates. The rule concerning a lost article is this. Whether a number is considered a distinguishing mark or not? The reason why the sages decided that the place is not to be considered a mark. If one finds a purse in the market, how is the law? The following articles he must proclaim. Three coins one upon the other, etc. (See foot-note, p. 55.) If one found, under a wooden wall, pigeons tied one to the other. If he found a covered vessel. If one found anything in a heap of rubbish. If one has seen money dropped on sand, and afterwards found and took it. If one found something in a store. If one found money in fruit sent to him, . 44–59

MISHNAS *VI.* TO *XIII.* The returning according to marks given is biblically or rabbinically? Until what time is he obliged to proclaim? R. Ami happened to find a purse with dinars in the presence of a Roman. If one identifies the article but not its marks. If the found article is of such a kind that it labors for its food. And if of such a kind that it does not labor. If one found books. If the article was a garment. Vessels of silver and copper. It is better to drink a goblet from the hand of a witch than to drink a goblet of lukewarm water. R. Ismael b. Jose was on the road, and met a man carrying a bundle of wood. What is to be considered a lost thing? If he returned it and it runs away again. What is to be deduced from the twofold expressions in many passages written in the Scripture? The loss of time must be appraised according to one's loss in his special trade. If he has found the animal in a stable, in a public thoroughfare. The commandment of the Scripture is for unloading, but not loading. How is this to be understood? If one lost a thing, as did his father before, etc. If his father and his master were overloaded. They who occupy themselves with the study of Scripture are not to be blamed, etc. See foot-note, p. 79, ... 59–80

CHAPTER III.

MISHNAS *I.* TO *IV.* A deposit stolen or lost, paid by the depository, of which thereafter the thief was found, to whom shall the double amount be paid? A gratuitous bailee, when he said, I have neglected my duty, etc. There was lost a deposited nose-jewel, and R. Na'hman made him pay by force. Finally the article was found, and was increased in value, etc. If an article was appraised for the sake of a creditor, and the latter appraised

it for his own creditor, may the returning take place or not? From what time may the creditor use the products of an appraised estate? If one has hired a cow and he loaned it to some one else. It can happen that the hirer has a right to require several cows from the owner of one cow. How so? A bailee who has transferred the bailment to another bailee, how is the law? The Halakha prevails, that a bailee who has transferred the bailment to another bailee of any kind is responsible. If doubtful money is to be collected or not (illustrated in Mishna III.)? Do you want to contradict a case of deposit with a case of robbery? A robber must be punished. If there was an uncertainty of both the plaintiff and the defendant, how is the law? If one deposits fruit at his neighbor's? If one becomes a prisoner, may his property be transferred to his nearest relatives or not? The difference between forsaken, abandoned, and a prisoner's properties. The estate of a prisoner must not be transferred to a minor relative, and not the estate of a minor to any relative. There was an old woman who had three daughters; together with one of them she was taken to prison, and of the remaining two one died and left a child. A brother of Mari b. Isk came to him and demanded a share of the inheritance, and he said, I do not know you, 81–97

MISHNAS *V.* TO *XI.* The quantity of usual losses one may count to deposited articles of grain and fruit? Losses of wine and oil depend upon the kind of barrels in which placed. If a barrel is deposited for safe-keeping, and the depository handled it, and it broke while yet under his hand. Peculiar is the stretching of hands which reads in regard to a bailee for hire, in connection from the same expression in the Scripture which reads in regard to a gratuitous bailee. If one has deposited money for safe-keeping, and the depository tied it and carried it on his shoulder, etc. Nothing is considered safety with money, unless it is hidden in the ground. It happened that one deposited money with his neighbor, and he gave it to his mother for safe-keeping, and it was stolen. Money deposited for safe-keeping with a money-changer. A depository who stretches his hand for the bailment. If one intends to use a bailment deposited in his control and says so, the liability follows immediately, ... 97–109

CHAPTER IV.

MISHNAS *I.* TO *V.* If one bought gold and silver coins together and made a drawing on the gold ones, title is also given to the silver ones, but not *vice versa*. Rabh borrowed dinars from the daughter of R. Hyya; thereafter the dinars increased in value. One holds that the law of exchange applies to a coin also, and another holds that it does not. If one were holding some coins in his hands and said: Sell me your articles for the money I have in my hand, and the other agrees. If one said: Sell me for this amount, title is acquired, and nevertheless the law of fraud applies. According to whom do we write in our legal papers, With an utensil which is fit to confirm with? Biblically, money paid gives title; why, then, was it said that drawing is needed? According to Abayi, he who retracts ought to be notified that he will be punished by Heaven, and according to Rabha he shall

be cursed. It happened that one gave money for poppy, meanwhile the poppy increased in price. Tabuth or Samuel b. Zutra was such kind of a man that he would not change his word, even if all the goods of the world were delivered to him, and he told : The above case of poppy happened to me. Cheating, which according to law makes the sale null and void, is in case where the sum of which he was cheated counts four silver dinars. Until what time the retraction may take place ? The law of fraud applies to the buyer as well as to the seller, to a private as well as to a merchant. There is no cheating concerning a specialist who knows the value. If one is doing business with his neighbor in trust. (See foot-note, p. 127). How much less of the quantity of a sala should be effaced, that the law of fraud could not be claimed ? The prescribed quantity for cheating is four silver dinars to each sala, ... 110–132

MISHNAS *VI.* TO *X.* There are five fifth parts which must be added to the principal amount. The things to which the law of cheating does not apply. Does the law of cheating apply to a hire ? The laws of usury and cheating apply only to commoners, not to the sanctuary. A gratuitous bailee does not swear. If one bought wheat and sowed it in the field, how is the law ? If there was fraud to more than a sixth of the value, how is the law ? As cheating is prohibited in buying or selling, so it is in words. Cheating in words is more rigorous than cheating in money. To what thing do the western people pay more attention ? One should always be careful with the honor of his wife. The noted legend of the oven of the Akhina. The law is not in the heavens. We do not care for a heavenly voice. Regarding cheating, there are three negative commandments. One must not mix together fruits from two separate fields. A merchant may buy grain from five barns, and place it in one storeroom. The embellishment of articles which are to be sold is forbidden, ... 132–144

SYNOPSIS OF SUBJECTS

OF

TRACT BABA METZIA (MIDDLE GATE).

CHAPTER V.

MISHNAS *I.* TO *IV.* What is considered usury, and what increase? Why does the Scripture mention separately a negative commandment regarding usury, robbery, and cheating? A small liquid measure one shall not fill up in a manner to make foam. Why is the redemption from Egypt mentioned in the Scripture in conjunction with usury, zizith, and weight? Usurers are equalled to shedders of blood. "That thy brother may live *with thee*" (but shall not die with thee, *i.e.*, the life of thyself is preferred to, etc.). One must not fix a price on fruit before the market prices are announced. The many things which may be done in a sale, but not in a loan, as they may appear usurious. The rule of usury in transactions is: If one sells the article cheaper because it is not yet in his possession, etc. If one has returned robbed money with an account of other money he had to give, he has done his duty. A lender must not dwell in his debtor's house "for nothing," or even for decreased rent. Hiring may be increased, but not sale. How so? One is allowed to increase the price of an article when the money is to be paid at a certain time after delivery (provided he does not say: "If for cash, you will have it cheaper"). There are cases in which the use of the fruit is permitted to both, prohibited to both, permitted to the seller only. Stipulations which may or may not be made in selling real estate. What is to be considered gossip. Does an *asmakhta* (for definition see p. 160) give title or not? There was a man who sold an estate with the security of his very best estates, finally they were overflooded. Is usufruct considered direct or indirect usury? In places where it is the usage for the lender to use the fruit from a pledged estate without any deduction of the debt, and the borrower has a right to return the money at any time, then is the law, etc. A scholar, however, must not do even this. From pledged estates a creditor of the lender has no right to collect in case he dies. Also a first-born of the lender cannot claim the double amount prescribed to him biblically. If the borrower say to the lender: Stop using the fruit, etc. The different customs in pledging real estate at Papuna, Mehusa, Narsha. Why a pledge is called *mashkhantha* 145–166

MISHNAS *V.* TO *XI.* The law about giving money or articles for half profit. The proper payment for raising cattle. Why R. Papa decided differently in the cases of the Samaritans who appeared before him. R. Hama used to rent zuzes daily for the smallest coin for each zuz and he lost his money. All animals which are laboring for their food may be appraised, that the increase shall be divided equally. One may say to a farmer: I shall give you twelve kur of grain instead of the ten you demand, if you will lend me some money to manure your field. One may rent a boat on the condition that should it break he shall be responsible. One may say: I take your cow for the price of thirty dinars in case it should die, etc. May money belonging to orphans be lent for usury or not? One who lends money for a business which is very likely to bring profit with little chance of loss is wicked; for one which is likely to bring loss and far from profit, is pious, etc. An iron sheep must not be accepted from an Israelite, etc. (for explanation see Mishna *VII.*). An Israelite may lend to his race money belonging to non-Israelites for usury, etc. The interpretation of verse 8, Prov. xxviii. The meaning of verse 24, Ex. xxii. He who takes usury will lose all his possessions. What is to be done with the usury promised by or to a heathen, after he has been proselyted. A note in which usury is mentioned the lender must not be allowed to collect even the principal, which he must forfeit as a fine. Articles for delivery during the year must not be bought for a certain price before the market price is fixed. If one travelled with stock from one place to another, and while on the road his neighbor asked him to sell to him at the price of the place he intends to go to, etc. What Samuel ordered the grain dealers, who used to advance money for grain to the farmers, to do. Also the order of Rabha to the watchmen. Are the rabbis consuming "usury" by paying in *Tishri* for the wine they will choose in *Teveth* when it is already in good condition? I call your attention, master, to the rabbis, who pay head-tax charges for those who cannot pay them, etc. Seuram used to compel doubtful characters to carry the palanquin of Rabha. If one of a company of three partners has given money to a messenger to buy something, it is to be considered as for the company, and not as for himself. If the grain was to be finished with two kinds of labor only, one may fix the price, but not if he require three kinds of labor. There was a man who paid a stipulated amount for an outfit to be delivered at the house of his daughter's father-in-law, in the meantime the value of the equipment was reduced, etc. One may lend his gardeners wheat to be returned in the harvest-time the same measure, etc. (for meaning see p. 184). Hillel (the First) says: A woman must not lend a loaf of bread to her neighbor unless a price is stipulated for it, for fear wheat may become dearer, and then the return of the loaf (of the same quality) will appear usurious. The Halakha, however, does not so prevail. One may say to his neighbor: Help me in weeding or digging to-day and I will help you on some other day, etc. There is a kind of usury which may be called preceding usury, and another kind which may be named succeeding usury. How so? If one owes his neighbor money and it was not customary for him to greet him first, before the loan, he must not do so after the loan took place. If one is aware that his debtor has nothing with which to pay he must not pass him by. There are three who cry for help and are not heard 166–187

CHAPTER VI.

MISHNAS *I.* TO *IV.* He who hired day laborers and they deceived one another, there is nothing but resentment, etc. (see p. 189). Whoever changes his words or retracts them has to suffer for the injury caused. The rabbis hold that the laborers have always the preference. R. Dossa, however, holds that the employer has the preference. Said Rabh: The Halakha prevails in accordance with R. Dossa. Did Rabh indeed say so? If one sold a field for a thousand zuz, and the buyer gave him a deposit of two hundred, and the seller retracts, etc. As to whether a deposit gives title or not Tanaim differ in their opinions in pages 193–4. How a Bill of Sale must be written according to R. Simeon b. G. Payment in installments is valid, though it was not so stipulated. If one hired an ass for use on a mountain, and he used it in a valley, or *vice versa*, although the distance for which it was hired was equal (in both ways), the hirer is responsible for an accident. Who is responsible for an *angaria?* (See p. 195.) If one has hired an ass for the purpose of riding, and it dies while in the middle of the way, etc. If one hires a boat and it sinks in the middle of the way. If one hires a boat for a certain place, and has unloaded it while in the middle of the way. What may or may not be placed upon the ass which was hired for riding only. If one hires an ass to be ridden by a male, the same must not be ridden by a female. If one hires a cow for ploughing on the mountain and he plough in a valley, etc. How is it if the plough-handle breaks, and there has been no change in the agreement, etc.? If one hired an ass to carry wheat and he used it for barley. Which quantity of overloading makes one responsible to the bearing on shoulders, to a skiff, to a larger boat, and to a ship 187–201

MISHNAS *V.* TO *VI.* All specialists are considered bailees for hire. One may let out a pledge of a poor man and deduct the amount earned from his indebtedness. If one hires a cow, how shall he pay in case it is lost? (See p. 202 for meaning). If one bought utensils from a specialist to send to the house of one's father-in-law, etc. There was a man who sold wine to his neighbor, and the buyer said: I shall carry it to such a place, etc. Guard for me this article and I will guard yours to-morrow; or, I will lend you, or *vice versa*. All are considered bailees for hire, one to the other. The two cases in which R. Papa and Rabha were embarrassed for their decisions and finally it was found that their decisions were correct. If a depositary said: Leave it here "for you," he has no responsibility whatever, but how is the law if he said: Leave it "anonymously"? On a pledge he is considered a bailee for hire. If one carries a barrel from one place to another and breaks it, he must swear that there was no neglect, etc. R. Eliezer was wondering how such a decision could hold good. What shall he swear? I swear that I broke it unintentionally. There were carriers who broke a barrel of wine belonging to Rabba b. b. Hana, while in his service, and Rabh commanded Rabba to return their garments and pay them for their labor, for this is the meaning of the verse, Prov. ii. 20 201–208

CHAPTER VII.

MISHNA *I.* One cannot compel his employees to come earlier or depart later than is customary at that place, although it was agreed upon. It hap-

pened with R. Johanan b. Mathea, who said to his son: Go and hire laborers for us, etc. Resh Lakish's advice to laborers in general. The legend, how R. Eliezer b. R. Simeon was appointed by the government to capture thieves. He who would like to see a beauty similar to that of R. Johanan shall take a silver goblet just out of the worker's, etc. The legend of R. Johanan with Resh Lakish, and how the latter married the sister of the former, and how the death of both Johanan and Resh Lakish occurred. The continuation of the legend about R. Eliezer, how he accepted chastisements upon himself, how he was kept unburied, in his attic, many years; how finally he was buried; what his wife answered Rabbi (the prince) when he asked her to marry him; how Rabbi has also accepted chastisements, etc., etc. (wonderful legends from 211–219). He who is a scholar himself and his son and grandson are also, the Torah does not depart from their children for everlasting, etc. R. Zera, when he ascended to Palestine, fasted one hundred days in order to forget the Gemara of the Babylonians, etc. Resh Lakish used to mark the caves of the rabbis. R. Zera's dream. Elijah (the Prophet) frequently appeared in the college of Rabbi. (See the whole legend, pp. 222–224.) The Hagadah about Abraham with the Angels; the names of those Angels. Why did the Lord change Sarah's words when telling them to Abraham? Until the time of Abraham there was no mark of old age; until the time of Jacob there was no sickness; until the time of Elisha there was no one who became cured from sickness. 208–229

MISHNAS *II.* TO *IX.* Who are the laborers who have a right, according to the law of Scripture, to partake of the fruits of their labors? Whence is all this deduced? The particular law about muzzling an ox while laboring. How is the law if the animal is sick and the consuming of grain injures it? May it be muzzled? When Gentiles steal bulls and castrate them, and return them to their owners, may the Israelites use them or not? (See footnote, p. 235.) If one has "muzzled" a cow only with his voice, or if one leads two kinds of animals with his voice only, is he guilty or not? R. Papa and also R. Ashi told in their colleges what they were questioned and decided not in accordance with the existing laws and the reasons. Why the labor of a workingman entitles him to consume the fruit of that with which he is laboring. If one is occupied with pressing dates, he must not consume *grapes*, and *vice versa*. A laborer must not consume more than his wages, etc. Does the Scripture add to his wage the consuming of the fruit with which he is engaged? Or is it a part of his wage? A laborer has the right to make a stipulation that he shall not eat what he is entitled to and take money for it instead. Watchmen of fruits are permitted to eat, according to the custom of the country, etc. The following laborers have a right to partake according to the law of Scripture, etc. There are four kinds of bailees: A gratuitous bailee, a borrower, a bailee for hire, and a hirer. For what loss must a hirer pay? What is the extent of the duty of the bailee for hire? Abu placed flocks at Rumnia, and Shabu, who was an errant robber, took them away. Although Abu proved that this was the case, R. Na'hman held him responsible, etc. A single wolf's coming among the flock is not considered an accident. A robbery is considered an accident. A natural death is an accident, but not if it is caused by cruelty. A gratuitous bailee has the right to make a stipulation that in case of loss he shall be

freed from taking an oath. A stipulation made contrary to that which is written in the Scripture is of no avail. A bailee for hire may stipulate that he shall be equal to a borrower. But how shall a stipulation of this kind be made verbally, only? 230–248

CHAPTER VIII.

MISHNAS *I.* TO *IV.* If one borrows a cow, and at the same time hires or borrows its owner, etc. There are four kinds of bailees, etc. Whence do we deduce all this? How do we know that he is responsible in case of confiscation also? There is no responsibility when the owner works together with the borrowed article. (Expl., see 252.) If one tells his messenger that he shall substitute him in service to his neighbor, together with his cow, how is the law if the cow breaks or dies while laboring? If one borrows another's slave and cow, how is the law? What should a husband who uses the estate of his wife be considered—a borrower or a hirer? If the body of the animal becomes lean because of the labor, how is the law? Maraimar b. Hanina hired mules from Huzai, and the former overworked them, and they died, etc. If one borrowed a cow for half a day and for the other half a day he hires it, etc. If one has borrowed a cow, and the owner sends it to him by his son, slave, or messenger, or even by the same persons of the borrower, and it dies while on the road? If one borrows a hatchet; if he has done some work with it, he acquires title to it for the time borrowed. Is the law concerning an ordinary man equal to that of the sanctuary? If one exchanges an ass for a cow, and it brought forth young. If one possesses two male slaves or two fields, one large and one small, and the buyer claims: I bought the large one, etc. 249–264

MISHNAS *V.* TO *IX.* If one sold out his olive trees for fuel, and there were still bad olives on them. Olive trees which were overflooded, taken out and planted in another's field, etc. If one has planted trees in a field belonging to another without the consent of the owner. If one has rebuilt a ruin of one's neighbor without his consent. If one rents a house (without appointing the time) in the rain season, etc. All the terms are fixed only for giving notice. This notice is to be given by the owner of the house as well as by the tenant. The owner of the house is obliged to give to the tenant a door bolt, a lock, etc. However, things which can be done by any one the tenant has to furnish himself. Whose duty is it to furnish a mezuzah? The manure belongs to the owner, etc. If the year was made a leap year the tenant reaps the benefit of the intercalation. However, if he rented him the house monthly, the intercalation belongs to the owner. In an agreement, which is to be considered, the first expression, or the last? If the renter says: I have paid; and the owner claims: I have not received it, who of them must bring evidence? If one has rented out a house for ten years, and has signed the lease without a date, etc. If a man rents out a house and it falls, etc. . . 264–272

CHAPTER IX.

MISHNAS *I.* TO *IV.* One who hires a field must do as it is customary in that country, etc. If the stipulation was made on wine, etc. They must also prepare together the sticks needed for the vineyard for the next year. In Babylon there is a custom that the gardener is not given any straw. If

one hires a field and it was a dry place, or a group of trees, and thereafter the spring ceases to flow, etc. If the hirer told him : Rent to me this dry field, etc. If one has undertaken to work up a field and he has neglected to do so. Mair, Jehudah, Hillel, Jehoshua, and Jose, these considered the language of the common people legal (although it was not in accordance with the enactment of the sages). If one lends money to some one, he has no right to pledge him through the court for more than he owes him. Rabina used to double the amount in the marriage contract, etc. There was one who undertook to work up a field, and he said : Should I neglect, I will give you one thousand zuz, etc. There was a man who undertook a field for poppy, sowing with wheat, and finally the wheat was worth more than poppy. If one has given articles for business without any stipulation, and took from him two notes, etc. If the gardener did not want to weed the field, saying : I will give you your due, he must not be listened to. . 273–279

MISHNAS *V.* TO *IX.* If one took a field in partnership and it was not productive. If one hires a field and the locusts destroyed it, or it was burned. If that year was a year of destruction or a year without rain, etc. If this happened once, he has to sow it the second time, etc. If one hires a field for ten kur wheat per annum, and the products are poor. There was a man who hired a vineyard for ten barrels of wine, and thereafter the wine became sour. If one takes a field for sowing barley, he must not sow wheat in it, etc. The explanation of Deut. xxviii. 3–6. Thirteen advantages can be gained by taking the early morning meal, viz., etc. Get up early in the morning and eat, in the summer, because of the heat ; and in the winter, because of the cold ? The advices given by R. Jehudah to the land-surveyor about measuring land, trenches, and the space for anchoring. Correct thyself first, and then others. All the inhabitants of the city must contribute to the repairing of the wall of the city if it is destroyed. If one takes possession of a dock, he is a rascal. If one takes possession of a field which was placed between two brothers or partners, it is considered a piece of assurance. To a presented estate the right of preëmption does not apply, etc. To a pledged estate, and if it is sold for taxes, or for the support of a widow, or for burial, this law does not apply. If one hires a field for a few years (less than seven), he must not sow flax in it. R. Papa hired fields for pasture, and some trees sprouted in them, etc. Because you are descendants of frail people, you speak frail words. Joseph had a planter who planted all his trees for half product, and he died and left five sons-in-law, etc. The planter of Rabbina did damage and was discharged ; and he came to complain to Rabha, etc. There was a planter who said : "Give me what I am entitled to of the improvements, as I want to go to Palestine." There was one who pledged his vineyard for ten years, and it became old in eight years. There was a note in which was written the year without a number, etc. If the gardener claims : "I worked for the half," and the owner says for a third, who should be trusted ? If orphans claim : "*We* have made the improvements on this estate," and the creditor claims : "It was improved by your deceased father," for whom is it to bring evidence ? 279–295

MISHNAS *X.* TO *XIV.* If one hires a field for the whole sabbatic season for seven hundred zuz, the sabbatic year is included. A day-laborer has to

collect his money the whole night after that day, etc. The transgression of this commandment comes and ceases with the first morning. One who withholds wages transgresses the commandments of five verses, etc. The commandment: "In the same day you shall give his wage," and also the negative, "There shall not abide . . . until morning," applies to men, cattle, and vessels. To a proselyte who promised not to worship idols and not to commit adultery, but not to conform to other Jewish laws, the commandment applies. One who withholds wages is considered as if he would take out the soul. If the storekeeper or the money-changer failed to pay him, may he return his claim to the owner or not? Is piece-work subject to that law or not? If a creditor has to pledge his debtor, he may do so only by court, etc. If things belonging to a debtor are to be sold out, has the court to consider which should be sold and which left to him, or is all to be sold out? If one lends money to his neighbor, he has no right to pledge him, is not obliged to return, transgresses all the commandments which are in the Scripture concerning [pledging]—what does this mean? If the pledge was returned and the borrower died, etc. One who pledges a nether and upper millstone transgresses a negative commandment and is guilty for two articles. There was a man who pledged a butcher knife from his debtor, etc. 295–307

CHAPTER X.

MISHNAS *I.* TO *VI.* If one owns a house, the upper chamber of which belongs to another, and it falls. If the attic was ruined, and the owner of the house declined to repair it. When the tenant goes to dwell in the lower apartment, must the owner vacate it for the tenant, or should they dwell together? Must the party doing the damage remove the cause of it, or must the injured party remove the cause of the damage? One is responsible for damage done to his fellow by things which come directly from him (though it is the obligation of every one to keep aloof from damaging things). A house with an attic, belonging to two persons, which becomes ruined; the owner of the upper chamber requires the rebuilding, and the owner of the house refuses, etc. The same is the case with an olive-press which was placed under a garden, etc. A wall or a tree which falls suddenly on a public thoroughfare and causes damage, etc. What time is fixed for such a case by the court? The same is the case with a laborer who was told by his employer to take the articles with which he was engaged for payment. Whether looking gives title to an ownerless article or not, the Tanaim differ. One must not place his manure upon a public ground, unless it is immediately taken away by those who want to use it. If a hewer of stones has transferred them to the polisher, and they cause damage while under his control, the latter is responsible. When two gardens were placed one above the other, and some herbs were grown between them, the upper one may use that which he can reach with his hand, provided he does not exert himself to reach them. This was reported to the King Sabura. 307–316

SYNOPSIS OF SUBJECTS

OF

TRACT BABA BATHRA (LAST GATE).

CHAPTER I.

MISHNAS *I.* TO *III.* In case of dividing partnerships in a yard, where and of what the wall shall be built. Is overlooking another's property considered injurious? Of what size the yard must be to be fit for division. May a prayer-house be taken apart before the new building is ready? The legend of Herod the great with Simeon b. Shatuh. How Herod built the Temple without the consent of the Roman government. Concerning partitions, fences in partners' gardens, and valleys. May or may not one be compelled to join in the expenses of fences if one's estate is surrounded by his neighbor's on three sides? If there is a wall, and one of the owners claims that his neighbor did not bear his share of the expense. A debtor who says: I paid my debt before due. If the plaintiff demanded his money long after due. He who claims, "I have never borrowed," is to be considered as if he should say, "I have never paid." How and where is a parapet to be made and of what size? If there were two courtyards one upon the other; there were two tenants, and the roof of the lower one sank; there was one who built a wall against the window of his neighbor, etc. Two brothers divided a bequest, a palace and a fine garden, and the latter built a wall on the edge of the garden. There was a note belonging to orphans, against which the other party showed a receipt, ... 1–16

MISHNA *IV.* The sharing in the building of a gate to a courtyard as well as to a city wall. Who are obliged to pay taxes and duties of a city? Rabbi opened his barns of grain in the years of famine, etc. How long must one dwell in a city to be taxed? Charity must be collected by two persons and distributed by three. May one be pledged or not for charity? Who of the poor must be investigated before support, and who supported immediately without inquiry? What about one who begged from door to door? The virtue of charity equals the sum of the virtues of all the other commandments together. "I was told by the child who was corrected by his mother," etc. The one who is doing charity secretly is greater than Moses our master. How is the verse, Prov. xxi. 21, to be understood? Whosoever makes it his business to do charity will be blessed with sons having wisdom, wealth, etc. The discussion of Aqiba with Tarnusruphus. As the yearly household expenses for one are appointed (in Heaven) on each Rosh Hashana, so are his

losses. Grace is charity which nears the redeeming, etc. How may the horn of Israel be raised? Rabban Johanan b. Zakkai questioned his disciples as to the meaning of the verse, Prov. xiv. 34, etc. Iphra Hurmiz, the mother of King Sabur, sent four hundred dinars for charity to R. Ammi, etc. If one bought a tract of land, however small, he is considered a citizen immediately, ... 16–32

MISHNA *V.* Partners cannot compel each other to divide. This is the rule: If, after division, each part retains its former name, then one can compel his partner to divide. A yard must be divided in accordance with the doors, etc. The four ells which are allowed for each door are for unloading. If one of the inhabitants of an alley desires to open the door leading from his yard to another alley. Inhabitants of alleys who desire to make doors to the street may be prevented by the public. Prophecy was taken away from the prophets and was given to the wise, to lunatics, and children (how this is to be understood). There was a man who bought an estate near to the estate of his father-in-law (who had no male children). The law, "Either you concede or I concede," when is it applied? The case of female slaves whom Huna bequeathed to his sons. May or may not the books of the Bible be bound together? What must the size of the holy scrolls be? What was placed in the ark, and how. The order of the Prophets, and who wrote them? Who was Job—an Israelite or a Gentile—and at what time did he exist, if he existed at all? The legends about Satan and Job. Satan was more afflicted than Job himself, etc. Satan and Peninnah both intended (with their accusations) to please Heaven, etc. The explanation of the passages addressed out of the storm wind, etc., etc. Why was not Job doubly rewarded with daughters, as he was with sons and with all his property? There are three to whom the Holy One, blessed be He, gave a taste of the world to come in this world. There are six whom the angel of death has not dominated. There are four who died without sin, ... 32–54

CHAPTER II.

MISHNAS *I.* TO *III.* How much space is to be left between one's property and another's? For whom is it to remove himself from supposed injury, the supposed injurer or him who would be injured? One must remove a pond for steeping flax from herbs, garlic from onions, and mustard from bees. Three spans space, and plastered with lime—are both needed, or does one of them suffice? Is one allowed to void his urine near the wall of his neighbor? Under what circumstances one may or may not place an oven in a lower story of a house. Can one of the partners in a yard prevent his partner from establishing a store in it, or not? At what age a child may be taken to school. The enactment of Joshua b. Gamla concerning teaching of children. In what circumstances the claim, "You are cutting off my livelihood," applies? "I doubt whether an inhabitant of one alley can prevent one of another alley from competing with him." The legend of R. Dimi's dry figs. How much space is to be left from one wall to an opposite one, and how much to a window, ... 55–67

MISHNAS *IV.* TO *XII.* To what distance a ladder must be removed from one's neighbor's pigeon-coop. The distance between a pigeon-coop and the city. If a case which we should judge by a majority would be different if

according to proximity, how is it to be judged? How much space is to be left to the city when planting a fruit tree outside; and how much to a wild one, to a carob, and to a sycamore. How much to barns, to cemeteries, and to tanneries. The Shekhinah occupies every place. The world is like a balcony without the fourth wall, etc. On what side of the city a tannery may be placed. He who desires to increase his wisdom shall recite his prayers towards the south, etc. To a well a distance of twenty-five ells must be left when planting a tree, etc. One must not plant a tree near his neighbor's field, etc. A tree which bears fruit to the measure of a kab is forbidden to be cut down. A tree which is within sixteen ells of the boundary of another's estate is considered robbery, etc. If the branches of a tree are inclined towards another's field, what is to be done? The branches of a tree which overhang public ground may be cut off, so that a camel with its rider may pass freely, ... 67–82

CHAPTER III.

MISHNA *I.* The law of occupancy—to what it does and does not apply. Whence is it deduced? What time is needed for it, and how a protest against it should be made. Must the three years of hazakah be interrupted? Who testifies as to the occupancy of houses? The many cases of occupied houses which the owners claimed, brought before different rabbis of the Amoraim who decided differently. If one claims, "It was from my parents," and the other claims the same. There was one who said: "I possessed a document but lost the true one, and this is a correct copy." There was another case similar concerning a hundred zuz in cash. It was murmured among people that Rabha b. Sharshum had appropriated land belonging to orphans, and Abayi sent for him. One snatched a piece of silver from his neighbor and the case was brought before R. Ami. There was a boat about which two parties quarrelled, each claiming that it was his. If each of the parties claim: "This estate belonged to my parents." If witnesses testify that the plaintiff has loaded a basket of fruit from this field on the shoulders of the defendant, the hazakah is effected immediately. Is ploughing a hazakah, or not? If one has made a hazakah on the trees and another upon the ground, has the owner of the trees a share in the ground? . . 83–100

MISHNAS *II.* AND *III.* There are three lands concerning the law of hazakah. If one runs away from a city because of crime, and one occupies his estate, the law of hazakah applies. How should one protest? Is a protest not in one's presence to be considered? Under what circumstances the court announces to the defendant that his property will be sold. How is it when he told them to write a deed of gift without an explanation? A hazakah to which there is no claim is not to be considered. How so? What happened to Anan and Kahana, who placed their fences on others' estates. If the father has consumed one year and his son two, or *vice versa*, or each of them one year and the buyer from them one year, is it considered a hazakah? The law of hazakah does not apply to specialists, farmers, etc. May one who is supposed to be interested in a case be a witness? Has one a right to say: "I cut myself off from this estate entirely"? If A has robbed B of a field and has sold it to C, then D comes with a claim, has B then any right to be a witness for C? If one sold a field to his neighbor without

security, he has no right to qualify as a witness concerning it. The announcement of Rabha or Papa about an article which a Gentile takes away from an Israelite. If one has given his garment to a specialist, the latter claiming two zuz and the owner one. If one has exchanged his utensils for another's in the house of a specialist, etc. "Come and I will tell you what the swindlers of Pumbeditha are doing." May a gardener be taken as a witness in case of a claim, or not? A robber—neither he nor his son has hazakah, but his grandson has. A specialist or a gardener who has ceased his profession, a son who was separated from his father, and a woman who was divorced—all of them are considered, in a case of hazakah, with men in general. If one sold his estate by duress, the sale is valid. Why so? Tabba hanged Pappi on a tree, to compel him to sell him his field. If witnesses testify they signed a note whose amount was not yet paid, but was prepared by the borrower in case he should find some one who would make him the loan. "I did so only with the intention of pleasing my husband, but not with the intention of selling it." Is there no occupancy in the estate of a married woman? If one borrowed from his bondsman and encumbered his estate for him by a document, and afterwards he freed him? One must not accept bailments from women, slaves, or children. If one who was the business man of the house, and the bills of sale and notes were in his name, claims: "All this is my own"—what should be the evidence? Concerning a gift or an inheritance of brothers. Is it not the duty of every Israelite to save the property of his neighbor from damage when seeing danger is near? There cannot be a better hazakah than lifting up, as this act gives title to one in everything. The estate of idolaters, if sold to an Israelite, and the latter has not made a hazakah on it, it is like a desert. If an Israelite buys a field from a Gentile and another Israelite comes and takes possession of it (before the bill of sale reaches the buyer). "I was told by the Exilarch Uqban the following three things: (*a*) That the law of the government should be respected as a law of the Torah," etc., ... 100–134

MISHNAS *IV.* TO *X.* What, and under what circumstances, collusive witnesses have to pay. If there were three brothers and one stranger. There is a difference in usage of articles—in some cases hazakah applies, and in some not. Does this rule always hold good? The wonderful sayings and acts of Bnaha. Hazakah does not apply to movable pipes attached to drains, etc. What is to be considered an Egyptian window? To an enclosure the size of a span in width, hazakah applies. One must not open windows to the yard even when he is a partner in it. One must not open, in a yard belonging to partners, a door or window opposite that of one's partner, etc. One must not make a hole in public ground. "There were enclosures from R. Ammi's property facing an alley," etc. When the second Temple was destroyed, many of Israel separated themselves from eating meat and drinking wine. Such a thing must not be decreed, which the majority of the congregation could not endure, ... 134–146

CHAPTER IV.

MISHNAS *I.* TO *V.* If one sells a house unconditionally. If one sells a property, he must write in the bill of sale: "I reserve nothing of it for myself." If E owns a field adjoining A's field from east to west, and B's from

north to south, and he comes to sell it, etc. If A and B were partners in a field, and A sold his share to C. If one sold a house with the stipulation that the upper *diæta* (chamber) was reserved for him. If one has sold the house to one man and the *diæta* to another. Title is not given to a well, although there is mentioned that one sold the depth and the height. The difference between a sale and a gift. If one sold a house, he sold with it the door, the bolt and lock, but not the key. If one sold a yard, the houses, walls, cellars, and caves are included, but not movable property. If one sells a press-house, the sale includes the trough, the press-beam or press-stone, etc., ... 147–158

MISHNAS *VI.* TO *IX.* If one sells a bath-house the sale does not include the boards on the floor. If one sells a town, the sale includes houses, etc., but not movable property. If one sells a field, the sale includes the stones which are needed for its use. From the passage, Gen. xxxiii. 17, we infer that the boundary is sold to the buyer with the field biblically. A depositary who claims that he had returned the bailment, etc. In selling a field, if it contains a well, cistern, etc., they are not included in the sale . 158–166

CHAPTER V.

MISHNAS *I.* TO *V.* How should one acquire title to a boat? To a promissory note title is given by transfer and bill of sale: acquire title to it and to all the debts it contains is traditional and also according to common sense. A bill of sale to a wagon does not include the mules when not hitched, and *vice versa*. May the amount paid serve as evidence? If one sells an ass, the harness is not included. The *khumni* is not included in the harness. What does *khumni* mean? If one sold a she-ass, its foal is sold; but if a cow, the calf is not. If one buys the brood of a pigeon-coop; of a bee-hive. If one buys a tree for cutting it down, he must begin a span high from the ground; an inoculated sycamore, three spans; a trunk of sycamores, two. If exactly three spans, it is beneficial for the growth of the tree, etc., 167–175

MISHNAS *VI.* TO *IX.* If one buy two trees within his neighbor's field, the ground beneath is not sold; if three, it is. Concerning the firstfruit offerings. If the branches were wide-spreading. How much space is to be left between the trees in question, that it should be considered the buyer's? A practised act is more important for evidence. How should the ground belonging to the buyer be measured? If one has sold two trees situated in his field and one on the boundary. There are four legal customs concerning sales. If one sold dark-red wheat and it was found to be white, or *vice versa*, etc. By what acts is title given to fruit and to flax? The vessels of the buyer give title to him in every place, except on public ground. There are four legal customs concerning sellers, etc. To real estate title is acquired by money, deed, or hazakah; and to personal property title is given by drawing only. To a thing which is usually lifted up, title is given by lifting; and usually drawn, by drawing. If one hires a servant to work for him in the barn for one dinar a day, with the stipulation that he shall work for him for the same price in the harvest-time. If one sold wine or oil, and it becomes dearer or cheaper, ... 175–190

MISHNAS *X.* AND *XI.* If one sends his little son to the storekeeper with a *pundiun* (dupondius), but the child loses the issar and breaks the glass. If

one take a vessel from a specialist, to examine it, he is responsible for an accident. The wholesaler has to clean his measures once within thirty days. Must overweight be given, and how much? The punishment for false measuring is harder than for adultery. It is harder for the cheating of a commoner than for the cheating of the sanctuary. The scales must be hanging three spans in the air, etc. Weights must not be made of tin, lead, cassiterite, or other kinds of metal. One must not keep in his house an unjust measure, even if he uses it for a chamber. If the elders of the city want to enlarge the measures, it must not be more than a sixth of them. From the verse Ezek. xlv. 12 may be inferred three things, etc. "Those who forestall fruit," etc.—who are meant thereby? There must not be exported from Palestine things by which a livelihood is made. It may be prayed by blowing of horns even on Sabbath, when business becomes dull. One must not emigrate from Palestine to other provices, unless the price of grain has increased, etc. "When Abraham our father departed from this world, all the great men of the nations stood up in a file and said," etc. "I remember when a child used to break a piece of carob, threads of honey would leak out," etc., 190–203

HAGADAH.

The well-known legends of Rabba b. b. Hana: Waves, Hurnim ben Lilith, roebuck of one day, alligator. The fish which destroyed sixty cities. The fish with two fins. About the leviathan, male and female. The banquet of the upright in the world to come. The bird with her head in the sky. The geese from which a whole river of fat was running. The Arabian merchant who accompanied Rabba in the desert, and showed him the dead of the desert at the time of Moses. The place where Korach with his company was swallowed up, where the earth and the sky meet, etc. What R. Johanan has to tell. Jehudah of Mesopotamia. What happened with Eliezer and Jehoshua while on the ship. What Huna b. Nathan told. The canopies (*chupas*) for each upright in the world to come. The ten *chupas* made for Adam the first in paradise. About Hiram the King of Tyre who claimed to be a God. The increase of Jerusalem in the future, . 203–213

APPENDIX.

Usucapio in the Roman Law 214

SYNOPSIS OF SUBJECTS

OF

TRACT BABA BATHRA (LAST GATE).

(PART II.)

CHAPTER VI.

MISHNAS *I.* TO *VIII.* If one sold fruit and it did not sprout, or an ox and thereafter it was found a goring one. May the trouble of slaughtering and selling the meat be taken into consideration? If an ox was found killed at the side of another pasturing one. Between majority and hazakah, which should be preferred (see footnote p. 217)? All hold the theory of majority. If one delivered wheat for grinding to fine meal, but the miller did not properly grind it; or if meal were delivered to a baker and he did not bake it properly. If one buys fruit, he has to accept a quarter of a kabh of dust on a saah. If he sold a cellar of wine, he must accept ten harsh barrels on each hundred. If wheat, a quarter of a kabh of peas; if barley, a quarter of chaff; if lentils, of dust. If the buyer has found more than the above prescribed quantity. The difference between *a* cellar and *this* cellar, and also if for keeping was added. May or may not wine which is sold in retail stores be considered products of the vine? If one sells wine, and it turns sour. Which wine is considered an old one. If one is proud, he is not tolerated even by his family. A commoner who disguises himself in the garment of a scholar cannot enter into the habitation of the Holy One, etc. If one sells, or a contractor undertakes to build, a wedding or a widow house. A groom who resides in the house of his father-in-law is lighter than bran, and still lighter is an invited guest who brings with him an uninvited one, and still lighter is he who answers before hearing the question. If one wishes to build a stable. If one possesses a well, situated on the other side of his neighbor's house, or a garden inside of his neighbor's. If there was a public thoroughfare through one's field, etc. If one sells a place for digging a grave, or an undertaker makes a place for one, the inside of the cave must be four by six, etc., ... 215–230

CHAPTER VII.

MISHNAS *I.* TO *VI.* I sell you earth of the size whereon one kur can be sown, etc., or measured with a line. In case the buyer has to make return, it shall be in money. If the seller said "the size of a kur," without

any addition, how is the law? "I sell you the estate," with a measurement a trifle more or less; or, "this estate . . . with its marks and boundaries." If two versions of the seller contradict each other, which is to be considered? The difference in opinion of the Amoraim in the explanation of Mishna IV. R. Papa bought an estate said to be twenty saahs—after it was measured it was found only fifteen. To two brothers who had divided their inheritance came a third brother (of whose existence they were not previously aware). If brothers divided their inheritance, and a creditor of their father came and took away the share of one of them. If the members of the court differ in the amount, upon appraisement brought before them. "I sell you the half of the field"; "The southern half of this field,"etc.—the seller has to give space for a partition, etc., ... 231–240

CHAPTER VIII.

MISHNA *I.* There are those who bequeath, and also inherit; others who inherit but do not bequeath; and also those who neither bequeath nor inherit. The passage [Num. xxvii. 8] in the Scripture does not correspond with all that is taught above. Who were the grandfathers of Pinchos ben Elazar on his mother's side. If one is about to marry, it is advisable for him to investigate the character of the bride's brothers. It is better for one to hire himself to Abhada Zarah (idolatry) than to rely upon people that shall support him. Abhada Zarah means "idolatry." Literally, however, it is "a strange service." Is the tribe of the mother's side equal to the tribe of the father's side? What happened to Janai and Jehudah the second when they came together? The husband from his wife. Whence is this deduced? Whence came Pinchos ben Elazar to have a mountain which his father did not possess? Whence is it deduced that the husband does not inherit the estate to which his wife during her life is only heir apparent? In the case of a gift with the ceremony of a sudarium, whether healthy or sick, what time may be given him to retract, ... 241–255

MISHNAS *II.* TO *IV.* The order of inheritance is thus, etc. If one decides that a daughter shall inherit, when there is a daughter of a son, even if he were a prince in Israel, he must not be listened to. What happened to Rabban Johanan with the Sadducean? "The daughters of Z'lophchod have inherited," etc. The land of Israel was divided among the ascendants from Egypt, and not among their children. Joshua and Caleb inherited the shares of the spies. Whence is this deduced? May or may not a disciple be honored in the presence of his master? Why is the order in mentioning the daughters of Z'lophchod different in the Scripture? If a woman marries at less than twenty years of age, she bears children until sixty; but when she marries after forty, she does not then bear children. There were seven men who encompassed the whole world since its creation until now, etc. How was the land of Israel divided—into twelve parts, or among the people severally? The land of Israel will be divided among thirteen tribes. A son and a daughter are equal concerning inheritance, etc. How shall the double share of the first-born be counted—double as to each brother or as to the whole estate. What is the reason that Jacob took away the privilege of the first-born from Reuben and gave it to Joseph? Jacob's children, who came to Egypt, in sum you find seventy; however, if you will number

them in detail, you will find only sixty-nine. In the case of inheritance of a promissory note, the first-born took a double share, etc. A first-born does not take a double share in a loan. The Palestinians, however, say he does. What is to be done with an estate bequeathed for life only, which the inheritor has sold? A first-born does not inherit property to come in the future, and the same is the case with a husband. If the first-born protests when his brothers come to improve the estate left by their father, 255–271

MISHNAS *V.* TO *VII.* A will which is against the law of the Scripture must not be listened to; however, if it is as a gift, it may. "My son is my first-born," he takes a double share; "My son is a first-born," he does not. "Go to Sh'kh'at my son, who is a first-born, whose spittle cures eyes." If two wives of one have born two sons in a secret place which was dark, and it is not known who was born first, they may write a power of attorney each to the other, etc. If one was known to the people as a first-born, and his father said of another, etc. A creditor may collect from bondsmen belonging to orphans for their father's debt. A second-cousin, a third-cousin, may be a witness (according to the law). If one says, "This child shall inherit all," or, "My wife shall take an equal share with one of my sons," he is to be listened to. If the word "gift" was mentioned in the beginning, etc. How is this to be illustrated? If one wrote, "The field on the east side shall be given to A, and B shall inherit that on the west side," is title given or not? All that is said in one speech is valid, except as to idolatry. If one says: "A shall inherit my estate," and he has a daughter, he said nothing; or, "A shall inherit my estate instead of my daughter," or, "My daughter instead of my son"—how is the law? A Halakha must not be taken for granted from a discussion or from an act, unless one is told to do so. Rabbi said: My youth made me presume to contradict Nathan the Babylonian. If one bequeath all his estates to his wife, he makes her a guardian only. (All that is said above treats of a will by a sick man.) How is it if this was done while in good health? If one has bequeathed all his estates to his sons, but has left to his wife a small portion of ground. How is it in a similar case when one is in good health? A sick person who has bequeathed all his estate to a stranger, it is to be investigated if the latter is in some way fit to be called a direct heir. An inheritance has no interruption, and goes direct to the heirs of the inheritor. The rabbis condemned one who bequeathed his estate to strangers, leaving out his children. What happened to Shamai the elder with Jonathan b. Uziel,

271–297

MISHNAS *VIII.* TO *XII.* "This is my son," he is to be trusted; "My brother," he is not. If one testify he has divorced his wife, he is to be trusted. If a short period of time, can one's testimony be divided—that for the past he should not be trusted, and for the future he should? If a sick person said to witnesses: "Write, and give a mana to so and so," and before they did so he dies. How is it if the same was said by one in good health? If one wishes to bequeath his estate to his children, etc. How if he has written "from to-day and after my death"? If a sudarium is mentioned, no matter what version was used, nothing is needed to be added. "My estates are bequeathed to you, and after you to B," etc. Who is called a crafty villain? To a gift presented by one who is dying, at what time is title given? There was a woman who had a tree on the estate of

R. Bibbi b. Abayi, etc. If A said to B, "I give you this ox as a present, with the stipulation that you shall return it to me." If a sick man said, "I have a mana with so and so," the witnesses may write this, etc. The Halakha prevails that it must not be feared the court will err. The father has the right to gather the products bequeathed to his son, etc. If he left grown-up and minor sons, the grown ones have no right to derive any benefit on account of the minors, etc. How is it if a woman has borrowed money, consumed it, and thereafter she married without paying her debt, and brought estates with her at marriage? "The following is not to be returned in the jubilee year," etc. (p. 310). In some respects the husband should be considered as an heir, and in some respects as a buyer, 297–311

CHAPTER IX.

MISHNAS *I.* AND *II.* If one leave sons and daughters, if the inheritance is of great worth, the daughters must be supported from it; if a moderate one, the daughters must be supported, and the sons may go a-begging. If the estates were of great worth, but there was a promissory note in the hands of a creditor. If the deceased left a widow and a daughter, and the estates left could support only one of them. If one leave sons, daughters, and an hermaphrodite. "If my pregnant wife shall bear a male," etc. A child of one day inherits and bequeaths, etc. All that was said here was taught in the city of Sura. In Pumbeditha, however, it was taught otherwise, etc. One said, "I bequeath my estate to the children who shall be born of you by me," etc. One said, "My estate shall be for you and your children." And R. Joseph decided: One half of the estate belongs to her, and the other half to her children. There was one who had sent home pieces of silk, without any order to which member of his household they belonged, . 312–321

MISHNAS *III.* TO *VII.* If one left grown-up and minor sons, and the former improved the estate, etc. If one has made the wedding of his son in one of his houses, the son acquires title to the house, etc. Three things the rabbis enacted as laws without giving any reason. Brothers partners in business; if one of them was taken by the government to work, etc. If one of the brothers took two hundred zuz to begin the study of the Torah or to learn a trade, etc. Wedding presents may be replevined by the court. If one has betrothed a woman and dies before marriage, a virgin collects two hundred and a widow one hundred zuz. Five things were said about wedding presents: (*a*) They may be collected by the court; (*b*) they are returned at the time when the donator marries, etc. Who is like unto a wealthy man who is known to be rich by his many cattle and estates, etc.? The different explanations of Prov. xv. 15. If one sends presents to the home of his betrothed's father, to the value of one hundred manas, and has partaken of the betrothal meal, even for one dinar, they are not to be returned. How is it when the presents have improved, etc.? If a sick person had bequeathed all his estates to strangers, etc. Three things Achithophel charged his sons, etc. If a sick person said: "A shall reside in such a house," or, "B shall consume the products of such and such a tree," etc. A sick person who has bequeathed all of his estates to strangers, it must be investigated how was the case. If a sick person has bequeathed all his estates to strangers and thereafter is cured. The expressions, "He shall take," "shall be rewarded."

How shall it be done if he expresses himself: "A is the one who shall derive benefit from my estates"? If a sick person has confessed, "I owe so much to so and so," shall it be taken for granted, etc.? In five cases the act of a gift is not considered unless the bequeather writes "all my estates." What is considered estates? How is the case with the Holy Scrolls—as they must not be sold, are they considered estate or not, etc.? The mother of Rami b. Hama bequeathed to him her estates on one evening. The mother of R. Amram the Pious possessed a bundle of deeds, etc. Concerning a gift in part of a sick person—in one respect it is equal to a gift by one in good health, etc. A sick person who has bequeathed all his estates to strangers, although made with a sudarium, if he was cured he may retract. If one bequeathed first to one and thereafter to another, etc., . 321–345

MISHNA *VIII.* If in the deed it was not mentioned that he was sick, and he claims that he was sick at the time of writing and had a right to retract. What kind of evidence is required, etc. It happened in the city of Bene Brack, that one sold the estate of his father and died; and his relatives complained that he was not of age when he died. What must be the age of one who has the right to sell the estates left him by his father? How is he to be considered during the nineteenth year—nineteen, which is still not of age, or twenty? There was one lad less than twenty, who had sold the estate of his father. If a lad of thirteen years and one day presented a gift to some one, his act is valid. If one divides his estates verbally, no matter if he was in good health or dangerously sick, according to R. Elazar to real estate title is given by money, etc. It happened with an inhabitant of the city of Mruni, who was in Jerusalem, that he possessed much valuable property which he desired to present to different persons, etc. If it happens that a sick person divides his estates verbally on the Sabbath, etc. Suppose a house falls upon A and his father or on any persons, that one of them has to be bequeather and the other inheritor, and it is not known who dies first. If a son has sold his share of the inheritance of his father to some one, and dies while the father was still alive, and thereafter his father died, the son of the seller has a right to take away the goods from the buyer. And this is a complicated case in the law of money matters. A son inherits from his mother when he is already in the grave, so that his brothers from his father's side should inherit from him, ... 345–357

CHAPTER X.

MISHNAS *I.* TO *V.* A simple get (document) the witnesses must sign at the end of the contents. A folded one, however, the witnesses must sign outside, etc. In what place should the witnesses sign a folding document? If the signatures of the witnesses were separated by a space of two lines from the writing, the document is invalid; is it meant with their usual space or without? There was a folding document which came before Rabbi, and he said: "There is no date to it," etc. All must be done as is customary in the country. If there was only one witness to a simple, etc. If in the document was written, "hundred zuz," which make twenty selas, etc. If on the top of the document was written "a mana," and on the bottom "two hundred zuz," or *vice versa*, etc. There was a document in which was written, "six hundred and a zuz," etc. There was a toll-master of a bridge who was a

Jew who said to Abayi: "Let the master show me his signature," etc. A divorce may be written by the court for a husband in the absence of his wife—the husband must pay the fees. Documents of arbitrating and all other acts of mediating by the court must not be written unless both parties are present—at the expense of both. There was a receipt approved by Jeremiah b. Abba. However, the same woman came into his court to claim her marriage contract several years later, etc. If one has paid a part of his debt, and deposited his document with some one. If it happened to one that a promissory note became erased, he must find witnesses. The approval must be written: "We three, E, F, G, the undersigned, were sitting together, and before us was brought by A, the son of B, an erased note," etc. If one comes before the court claiming that he has lost a promissory note from so and so, etc. If one has presented a gift to his neighbor by a deed, if the deed was returned by the beneficiary the gift is considered returned. The following is the order of claims before the court. The lender comes to the court to complain that the borrower does not pay his debt, etc. Concerning deeds, they may write another one without mentioning the responsibility of the seller for the estate, etc. There was a woman who gave money to one that he might buy estates for her, etc. If one came to claim a field saying that he possesses a deed, and also that it was in his possession the years of hazakah, etc. If there was any forgery in the document, or there were incompetent witnesses, the transferring is not considered, ... 357–379

MISHNAS *VI.* TO *IX.* If one has paid a part of his debt, according to R. Jehudah the promissory note must be changed. According to R. Jose, the lender has to give a receipt for the amount paid. The Halakha prevails neither with R. Jehudah nor with R. Jose, etc. If the document was written at the date used by the government, and such a date fell on a Sabbath or on the Day of Atonement, etc. It happened with R. Itz'hak b. Joseph, who had money with R. Abba, etc. Abba said to his scribe: "When it shall happen that you have to write a document with a later date, you must write as follows: This document was postdated by us for a certain reason," etc. If one holds a promissory note for a hundred zuz, and requests that it shall be rewritten in two notes each of fifty zuz, etc. If there were two brothers, one rich and one poor, and they inherited from their father a bath-house, or an olive-press house, if for business they must share equally; but if for private use, etc. If there are two persons who bear one and the same name, they cannot give promissory notes to each other, nor to any of the inhabitants. If a promissory note was paid, etc. If one (while struggling with death) says to his son: "A promissory note among the notes I possess is paid, but I do not remember which," etc. If one made a loan to his neighbor through a surety, he must not collect first from the surety, etc. Whether a surety has to pay or not, R. Jehudah and R. Jose differ, etc. If the surety said: "Lend to this man, and I am the surety," etc. If the expression was, "Give to him, and I will return you," then has the lender nothing to do with the borrower. There was a judge who transferred the estate of the borrower to the lender, before the lender had demanded his money from the borrower, etc. There was a surety for orphans who had paid the lender before he notified the orphans. If one was put under the ban because he declined to pay his debts. If the promissory

note of the deceased was in the hands of the surety, who claims to have paid the lender, etc. There was a surety for a deceased debtor to a heathen, who paid the heathen before he had demanded his debt from the orphans. If one made himself surety to a woman for a marriage contract, etc. A sick person who has consecrated all his estates, and at the same time said: "So and so has a mana with me," he may be trusted. A sick person who said: "A has a mana with me," and thereafter the orphans claimed that they have paid, they are to be trusted. If one borrows money on a promissory note, the lender has a right to collect from encumbered estates. If it happen that a creditor sees his debtor in the market, grapples him by the throat, and one passes by and says, "Leave him alone, I will pay," he is nevertheless free, because the loan was made not upon his surety. Biblically there is no difference between a loan on a document and by word of mouth, and it should be collected from encumbered estates. A verbal loan is not collectible—neither from heirs nor from buyers. If the surety signed before the signatures, it may be collected from encumbered estates. Only a surety in the presence of the court is free from a sudarium, but all others are not,

379–395

SYNOPSIS OF SUBJECTS

OF

TRACT SANHEDRIN (SUPREME COUNCIL).

CHAPTER I.

MISHNA *I.* To which cases judges are needed to decide, and to which commoners; which three, five, twenty-three, and seventy-one. The Great Sanhedrin consisted of seventy-one, and the Small of twenty-three. How many a city should contain, that it should be fit for a supreme council. If one were known to the majority of the people as an expert, he alone might decide civil cases. A permission from the Exilarch holds good for the whole country (of Babylon and also for Palestine); from the Prince in Palestine, for the whole of Palestine and Syria only: he may teach the law, decide civil cases, and may also decide upon the blemishes of first-born animals. He (a priest) saw a divorced woman and married her, and with this he annulled his priesthood. He erred in his opinion—*e.g.*, there were two, Tanaim and two Amoraim who differed in a case, and he decided the case according to one. There are three Tanaim who differ concerning arbitration. When the decision is already given in accordance with the strict law, an arbitration cannot take place. May or may not a judge say, "I do not want to decide this case"? and under what circumstances? Is mediation a meritorious act, or is it only permitted? There were many who used to say maxims of morality, and Samuel found that they were only repetitions of verses in the Scriptures. "Say unto wisdom, Thou art my sister," means, if the thing is certain to you as that it is prohibited for you to marry your sister, then you may say it; but not otherwise. If one appoints a judge who is not fit to be such, he is considered as if he were to plant a grove in Israel. The court shall not listen to the claims of one party in the absence of the other (in civil cases). "You shall judge righteously" means, you shall deliberate the case carefully, and make it just in your mind, and only thereafter may you give your decision: "For the judgment belongeth to God." The Holy One, blessed be He, said: "It is the least for the wicked to take away money from one and give it to another illegally," etc. Is warning needed to a scholar? Where is the hint that collusive witnesses are to be punished with stripes? Punishment of stripes is not applied to those who do no manual labor. The numbers three, five, and seven—to what have they a similarity?

A year must not be intercalated with one month, except by them who are invited for it by the Nashi. Since the death of the last prophets—Haggai, Zechariah, and Malachi—the Holy Spirit has left Israel, etc. A leap year should not be made because of the kids, lambs, etc. For the following three things a leap year is made: Because of the late arrival of Spring, etc. A leap year must not be made in the years of famine. The year must not be intercalary before Rosh Hashana. A leap year must not be made in one year for the next. No appointment of a leap year must be because of defilement. If not for Ben Baba, the law of fines would be forgotten from Israel. The legend how Jehudah b. Baba supplied the degree of Rabbi to five (six) elders, and by this act he caused the oral law not to be forgotten from Israel. The custom of giving degrees must not be used out of Palestine. What is to be considered second tithe, of which the value is not known? Rotten fruit, etc. "Every great matter," means the matter of a great man. By the whole tribe, is meant the head of it. The legend how a battle was decided by King David. Whence do we know that it is a duty to appoint judges to each tribe? etc. The legend of Eldad and Medad, and what their prophecy was. How Moses selected the seventy elders from each tribe, and also the payment of the first-born who were not redeemed by Levites. Sentence of guilt must be by a majority of two. If all persons of a Sanhedrin are accusing, the defendant becomes free. How so? In a city in which the following ten things do not exist it is not advisable for a scholar to reside, and they are, etc. Of rulers of thousands were six hundred; of hundreds, six thousand; of fifties, twelve thousand; of tens, sixty thousand—hence the total number of the officers in Israel was seventy-eight thousand and six hundred, ... 1–42

CHAPTER II.

MISHNAS *I.* AND *II.* The high-priest may judge and be a witness; be judged and witnessed against. A king must not judge, and is not judged; must not be a witness, nor witnessed against. There are cases from which one may withdraw himself, and there are others from which he may not. How so? A king must not be a member of the Sanhedrin; nor he and a high-priest engage in discussion about a leap year. The legends of three pasturers who had a discussion about the month Adar, which the rabbis took as a support to establish a leap year. When he (high-priest) goes in the row to condole with others, his vice and the ex-high-priest are placed at his right, etc. Formerly the custom was for the mourners to stand, and the people to pass by, etc. A row is not less than ten persons, not counting the mourners. All agree that if a king has relinquished his honor, it is not relinquished. How could David marry two sisters while they were both living? The strength of Joseph was moderation on the part of Boas, and the strength of the latter was moderation on the part of Palti, etc., etc. If a death occurs in the house of the king, he must not leave the gate of the palace, . 43–52

MISHNAS *III.* TO *VI.* Three positive commandments was Israel commanded when they entered Palestine, viz., they should appoint a king, etc. The treasures of kings which are plundered in time of war belong to the king only. He (the king) must not marry more than eighteen wives. Even one

wife, should she be liable to turn his heart away, he must not marry her. The number eighteen mentioned in the Mishna—whence is it deduced? Four hundred children were born to David by the handsome women whom he took captive (*i.e.*, those mentioned in Deut. xxi. 11). Only a son may stay alone with his mother, but it is not allowed for any one besides to stay alone with a married woman. He (the king) must not acquire many horses, neither more gold and silver than to pay the military. He shall not acquire many horses, and lest one say, "Even those which are needed for his chariots," etc. He shall not acquire much gold and silver—lest one say, "Not even sufficient for paying the military," etc. Why does not the Scripture explain the reason of its law? Because in two verses it was so done, and the greatest men of a generation stumbled because of them, etc. Ezra was wrothy that the Torah should be given through him, if Moses had not preceded him. In the very beginning the Torah was given to Israel in Assyrian characters, etc. (see footnote, p. 59). One must not ride on his—the king's—horse, etc. Come and see how hard is divorce in the eyes of the sages! He who divorces his first wife, even the altar sheds tears on account of him. The king must cut his hair every day, a high-priest every eve of Sabbath, and a commoner priest every thirty days, ... 52–63

CHAPTER III.

MISHNAS *I.* TO *III.* Civil cases by three: one party may select one, and so the other, and both one more. Pure-minded people of Jerusalem used not to sign a document unless they were aware who was the other who was to sign it, and also would not sit down to judge unless they were aware who was to be their colleague, etc. One has no right to reject a judge who was appointed by the majority. There is a rule that the testimony of one who is interested in a case is not to be taken into consideration. Proof is needed to each claim, even if it is not so important that it could injure the case. He who saw Resh Lakish in the college saw one uprooting hills and crushing them, and he who saw R. Mair saw one uprooting *mountains* and crushing them. Gamblers (habitual dice-players) and usurers, and those who play with flying doves, are disqualified to be witnesses. What crime is there in dice-playing? Because they do not occupy themselves with the welfare of the world. One who borrows to pay usurers is also disqualified. Gamblers are counted those who play with dice; and not only with dice, but even with the shells of nuts or pomegranates. Among those who play with doves—other animals are also meant. There was added to the disqualified witnesses robbers and forcers (*i.e.*, those who take things by force, although they pay the value for them). There was secondly added to that category, collectors of duty and contractors of the government. The father of R. Zera was a collector for thirteen years, etc. One's thought for his maintenance injures him in his study of the law, etc. They who accept charity from idolaters are disqualified to be witnesses, provided they do so publicly, etc. One who is wicked in money matters only is disqualified to witness, but not one wicked in heavenly matters. Bar Hama had slain a man, and the Exilarch told Aba b. Jacob to investigate the case; and if he really slew the man they should make the murderers blind, etc., ... 64–79

MISHNAS *IV.* TO *VI.* The following are counted relatives who may not be witnesses: Brothers, brothers of father or mother, brothers-in-law, etc. "My father's brother shall not witness in my cases; he, his son, and his son-in-law." "The brother of my mother-in-law cannot be a witness for me." The husband of one's sister, also the husband of the sister of one's father and the husband of the sister of one's mother, their sons and their sons-in-law, are also excluded from being witnesses. A stepfather . . . his son-in-law, etc. There was a deed of gift which was signed by two brothers-in-law—*i.e.*, two husbands of two sisters, etc. How were the witnesses examined? They were brought into separate chambers, etc. How were the witnesses frightened? There was one who had hidden witnesses under the curtains of his bed, and he said to his debtor: "Have I a mana with you?" etc. There was one who was named by the people "the man who has against him a whole kab of promissory notes." There was another who was named "the mouse who lies on dinars," etc. There was a document of confession in which it was not written: "He (the debtor) has said to us, 'Write a document, sign, and give it him' (the creditor)," etc. "I have seen your deceased father hide money in a certain place, saying, 'This belongs to so-and-so,'" etc. How is the judgment to be written? So was the custom of the pure-minded in Jerusalem. They let parties enter, listened to their claims, and thereafter let the witnesses enter, listened to their testimony, then told all of them to go out, etc. This is a rule for every case in which is mentioned "a witness," that it means two. Simeon b. Alyaqim was anxious that the degree of Rabbi should be granted to Jose b. Hanina, etc., etc. A confession after a confession, or a confession after a loan, may be conjoined; but a loan after a loan, or a loan after a confession, do not join (p. 91). Witnesses in civil cases who contradict one another in unimportant investigations are to be considered. So long as the defendant brings evidence to his advantage, the decision may be nullified by the court. However, if after he had said, "I have no witnesses," etc. What happened to R. Na'hman with a young man whom he made liable. If one who is summoning a party who says, "I want my case brought before the assembly of sages," etc., he may be compelled to try his case in that city. In Babylon they are not allowed to try cases of fine, ... 79–96

CHAPTER IV.

MISHNAS *I.* TO *III.* Cases coming before the court, the witnesses thereof must be examined and investigated. What difference is there between civil and criminal? The following from (a) to (g). Biblically there is no difference between civil and criminal cases concerning investigations. But why is it enacted that civil cases do not need investigation? "Justice, only justice, shalt thou pursue," means that one shall follow to the city of a celebrated judge, etc. What has the court first to say to the advantage of the defense in criminal cases? If one has tried a case, and made liable him who is not, or *vice versa*, etc. Tudus the physician testified that not one cow or one swine was sent from Alexandria in Egypt of which the womb was not removed. If one was found guilty by the court, and thereafter one come, saying: I know a defense for him, etc. So long as the fire in the

stove burns, cut off all that you want to roast, and roast it. (*I.e.*, when you are studying a thing, consider it thoroughly to prevent questions.) All who take part in the discussion may explain their reasons, until one of the accusers shall yield to one of the defenders. In the neighborhood of R. Johanan there was one who was blind who used to judge cases, etc. From the time of Moses until the time of Rabbi, we do not find one man who was unique in the possession of wisdom, riches, and glory, etc. One may teach his disciple, and at the same time may judge in association with him in criminal cases. In ten things civil cases differ from criminal cases. All are competent to judge civil cases. But not all of them are competent to judge criminal cases. The Sanhedrin sat in a half-circle in order that they could see each other, etc. The Torah has testified that we are such a kind of people that even a fence of lilies is sufficient for us, and will never be broken. How were the witnesses awestruck in criminal cases? A human being stamps many coins with one stamp, and all of them are alike; but the Holy One, blessed be He, has stamped every man with the stamp of Adam the first, and, nevertheless, not one of them is like the other. Although the court of the Sanhedrin existed no longer, the punishment of the four kinds of death prescribed in the Scripture was not abolished by Heaven. Adam the first was created singly, and why? That disbelievers should not say there were many Creators in heaven, etc. In three things one is different from his neighbor—in voice, etc., ... 97–114

CHAPTER V.

MISHNA *I.* The court used to examine the witnesses with seven inquiries, etc. Should one of the witnesses say, "I have something to say in behalf of the defendant," or one of the disciples, "I have something to say to the disadvantage of the defendant," the court silences him. Why not say that eight queries are necessary in the examination? Viz., how many minutes are there in the hour? Do you recognize this man as the murderer of him who was slain? Was he a heathen or an Israelite? Have you warned him? Did he accept the warning? etc. Whence do we deduce that the warning is prescribed biblically? Witnesses who testified in case of a betrothed woman, if they be found collusive, are not to be put to death. What is the difference between examination? etc. Until what time may the benediction of the moon be pronounced? If Israel should have only the meritorious act of receiving the glory of their heavenly Father once a month, it would be sufficient. They do not drink wine. And why not? In civil cases the court may say: The case becomes old, etc., . . 115–125

CHAPTER VI.

MISHNAS *I.* TO *IV.* If the conclusion was to condemn, the guilty one was taken out immediately to be stoned. A herald goes before him, heralding: So and so, etc. One stands with a flag. I doubt who had to bear the cost of the flag and horse mentioned in the Mishna, etc. If one of the disciples said, "I have something to say in behalf of the defendant," and thereafter he became dumb? He who is modest, the verse considers him as if he should

sacrifice all the sacrifices mentioned in the Scripture. When he (the guilty) was far from the place of execution—a distance of ten ells—he was told to confess. Why are the words "unto us and to our children," and the Ayin of the "ad" pointed? The Lord said to Joshua: Thou thyself hast caused all the evils, because thou didst excommunicate the goods of Jericho. One should always proceed with prayer before trouble comes. It happened with one who was going to be executed, that he said: If I am guilty of this crime, my death shall not atone for all my sins. See footnote, p. 135, concerning the legend of Simeon b. S. of the eighty witches hung by him. A male was stoned while naked, but not a female. The stoning place was two heights of a man, etc. If before the execution the hands of the witnesses were cut off, he becomes free from death. "The avenger of the blood himself shall slay." Infer from this that it is a meritorious act for the avenger to do so himself, ... 126–139

MISHNAS *V.* AND *VI.* All who are stoned are also hanged. A male, but not a female. Two must not be judged on the same day, provided there are two kinds of death. How was one hanged? The beam was put in the earth, etc. King Sabur questioned R. Hama: Whence do you deduce from the Torah that one must be buried? etc. Is the burying because the corpse shall become disgraced if not buried, or is it because of atonement? Is the lamentation an honor for the living or for the deceased? And what is the difference? etc. A wicked person must not be buried with an upright one. All the curses with which David cursed Joab fell on the descendants of David. They were [II Sam. iii. 29], etc. If not for Joab, David would not have been able to occupy himself with the law, etc., . . . 139–148

CHAPTER VII.

MISHNAS *I.* TO *V.* Four kinds of capital punishment are prescribed to the court by the Scriptures. According to R. Simeon, burning is more rigorous than stoning. With her father, burning applies; with her father-in-law, stoning applies. How is this to be understood? Do you come to teach a Halakha which will be used only then when the Messiah will appear? The prescribed punishment of burning was this: The sinner was placed in waste knee-deep. Then placing a twisted scarf of coarse material within a soft one, etc. But why should burning not be inferred from the offerings of the bullocks, which were burned bodily? Nadob said to Abihu: When will the two old men die, and you and I be leaders of Israel? The prescribed punishment of slaying was thus: He was decapitated, etc. The prescribed punishment of choking was thus: The sinner was placed in waste knee-deep, etc. To the following sinners stoning applies: viz., one who had connection with his mother, etc. "A man" means to exclude a minor. [Lev. xxii.]: "That lieth with his father's wife" means, that there is no difference whether she is his mother or not, ... 150–164

MISHNAS *VI.* TO *VII.* One who had connection with a human male, or with an animal, and also a human female who uncovers herself before a male animal, are punished with stoning. "With an animal" makes no difference whether it was a large or a small one. A blasphemer is not guilty, unless he mentioned the proper name of God (Jehovah). "Any man whatsoever,"

etc., meaning to include the heathen, who are warned of blasphemy. Ten commandments were commanded to Israel in Marah; seven of them are those which were accepted by the descendants of Noah. For transgression of these commandments a descendant of Noah is put to death, viz., adultery, bloodshed, and blasphemy. A descendant of Noah may be put to death by the decision of one judge, by the testimony of one witness, etc. Every relationship for which the punishment of the courts of Israel is death, a descendant of Noah is warned of it; but all other relationships, the punishment of which is not death, are permissible to them. He who raises his hand to his neighbor, although he has not as yet struck him, is called wicked. "Flesh in which its life is, which is its blood, shall ye not eat," [Gen. ix. 4] means any member of the animal, while it is still alive. We do not find any case where what is forbidden to the descendants of Noah should be allowed to the Israelites. An unclean thing never came from heaven. There is no difference if one hears it from the blasphemer himself or from the witness who heard it from the blasphemer—he must rend his garments . . 164–187

MISHNAS *VIII.* TO *XII.* One is considered an idolater who worships it with its proper worship; and even if he only sacrifices, smokes incense, or pours wine, etc. Why not say that from bowing "all kinds of worshipping" is to be inferred? In our Mishna itsis stated: "He who *worships* idols." There is another Mishna, farther on, which states: He who says: "I will worship," is always considered an idolater, etc. If one worship an idol because he loves it, or because he fears it, etc. Concerning Sabbath it is more rigorous than all the other commandments in one respect, and all other commandments are more rigorous in another respect, etc. There is a tradition: He who conjoins the name of Heaven with something else is to be destroyed. It happened to a female heathen who was very sick and vowed that if she recovered she would worship all the idols which were to be found, etc. If one gives one of his children to Molech, he is not guilty unless he has transferred him to the servants, etc. One is not guilty unless he let him pass in the usual manner. What was that? A row of bricks were placed for passing, etc. Baal ob (mentioned in the Scripture) is the python that makes the dead speak from his armpit, and Yidoñi means one that makes the dead speak from his mouth. Is not he who queries an "ob" the same who inquires of the dead? Nay! etc. An observer of times is, according to R. Aqiba, he who reckons times and hours, saying: This day is good to go on the road, etc. He who curses his father or mother is not punished with a capital punishment, unless he curse them by the proper name of God, . 187–194

MISHNAS *XIII.* TO *XIV.* He who sins with a betrothed damsel is not guilty to be stoned, unless she was a maiden betrothed and still in her father's house. A seducer means one who is himself a commoner—*e.g.*, he says: There is an idol in such and such a place which so and so eats, etc. Concerning all who are liable to capital punishment biblically, it is not allowed to hide witnesses except in this case, etc. A conjurer is liable to be stoned only when he did an act, but not if he dazzled the eyes. The Halakhas of witchcraft are similar to the Halakhas of Sabbath. There are some to which stoning applies, etc. I have seen a rider of a camel who took his sword, cut off the head of the camel, and thereafter rung a bell, and the camel stood up. It was only a dazzling of the eyes. The legend of R. Eliezer with

his disciple, "Thou shalt not learn to do," means: "Thou must not learn to do, but thou mayest learn it to understand it for the purposes of deciding cases, ... 194–200

CHAPTER VIII.

MISHNAS *I.* TO *VIII.* A stubborn and rebellious son—at what age may he be considered as such? From the time he brings forth two hairs, etc.; but the sages used to speak with delicacy. A minor of nine years and one day is fit to have connection with a woman, and in a case of adultery it is considered. Whence do we know that the first generation produced children at the age of eight? A daughter should be more open to the charges of stubbornness and rebelliousness, etc. But so is the decree of the Scripture—"a son, and not a daughter." He cannot be condemned as a stubborn and rebellious son unless he eats meat and drinks wine. You shall not look for wine which makes red the faces of the wicked in this world, and makes them pale in the world to come. Thirteen ways are enumerated in the Scripture concerning wine, as in Genesis ix., from 20 to 25. If he has stolen from his father and consumed on *his* premises, etc., he is not charged as a stubborn and rebellious son unless he stole from his *mother* and father. If the father is willing to transfer the case of the son in question to the court, and the mother is not willing, or *vice versa*, etc. Such a thing neither occurred nor ever will be, and the same is with the case of a misled town, and also with a house of leprosy, and was written only for study. If one hand of his father or mother is missing, or they limp, or are dumb, etc. If he runs away before the decision of condemnation is rendered, etc. The Scripture prefers that he should die innocent, and not be put to death because of his sins. For the death of the wicked is both a benefit to them and a benefit to the world, etc. In the case of "breaking in" [Ex. xii., 1], for which there is no liability if one is killed by a detector, one is also punished because of his future crimes, etc. A burglar who broke in and succeeded in taking some utensils and escaped is free from paying. Because he acquired title to them by his blood. It happened that rams were stolen from Rabha by burglary and thereafter they were returned to him; he would not accept them because the above decision came from the mouth of Rabh, etc., ... 201-216

MISHNA *IX.* The following may be killed for self-protection: He who pursues one to kill him, and he who pursueth a betrothed damsel, etc. According to the rabbis the Scripture cares for the violation of her honor, and as she also cares for it, though without life-sacrifice, she must be saved even by killing her pursuers, etc. One who intends to worship idols may be killed (if there is an impossibility of preventing his crime otherwise.) "In the city of Luda it was voted and resolved that if one were compelled, under threat of being killed, to commit any one of all the crimes which are mentioned in the Torah, he might commit it and not be killed, except idolatry, adultery, and bloodshed. Is a descendant of Noah commanded to sanctify the Holy Name, or not? It happened to one that he saw a woman and became sick through his infatuation, etc., ... 216-221

CHAPTER IX.

MISHNAS *I.* TO *VI.* Punishment of burning applies to one man who has intercourse with a woman and her daughter, and to a daughter of a priest,

etc. Punishment with the sword applies to a murderer and to the men of a misled town. If one pressed down a person while he is in water, or in fire, preventing him from coming out, he is guilty, etc. If one bound a person, and he died thereafter of hunger, he is not guilty of a capital crime. If, however, he put him in a sunny place, and he died because of the sun, he is guilty. Ball-players—if one threw a ball with the intention of killing some one, he is to be put to death, and if it was unintentional, he is to be exiled, etc. All agree that if one kills a person whose windpipe and larynx (gullet) are cut or whose skull is fractured, he is free (for it is considered as if he attacked a dead man). If one strikes a person with a stone or with his fists, and he was diagnosed (by the physicians of the court) to die, and thereafter he improved, etc. Capital punishment does not apply to one who intended to kill an animal and killed a man, an idolater and killed an Israelite, etc.; but it does apply to one who intended to strike a person on the loins with an article which was sufficient for this purpose, and he strikes him to death on his heart, etc. A murderer mixed up among others—all of them are free, etc. If it happen that the persons sentenced to deaths of different kinds, and are so mixed that it is not known who comes under this kind of death and who under another, all of them must be executed with the more lenient death. If one committed a crime which deserves two kinds of death, he must be tried for the more rigorous one. Ezek. xviii. must not be taken literally, but "the mountains he eateth not" means that he does not live upon the reward of the meritorious acts done by his parents; "his eyes he lifteth not up to the idols" means that he never walked overbearingly, etc., . *222-238*

Mishnas *VII.* to *IX.* He who receives stripes, and relaxes into the same crime, the court takes him to the kyphos. He who kills a person not in the presence of witnesses is taken to the kyphos and is fed on scant bread and water. If one steals a kisvah, or one curses his neighbor, invoking God as a "carver," zealous people (like Pinchas) have a right to strike him when caught in the act. What is this punishment if there were no zealous men? Answer to this, it happened that it was read before R. Kahan in a dream, etc. In a case where there is a violation of the Holy Name the honor of the master must not be considered. "If a priest performs the service while he is defiled," etc. "If a common Israelite served in the Temple," etc., *238-244*

CHAPTER X.

Mishnas *I.* to *VI.* Choking applies to him who strikes his father or mother, to him who steals a living soul, etc. A son is not guilty of a capital crime unless he wounds his father by striking him. Cursing is in one respect more rigorous than striking, as he is guilty even if he did it after his father's death. If one steals a person, he is not guilty of a capital crime unless he brings him upon his own premises. There is no difference whether he stole a male or a female, a proselyte, or a bondsman, or a minor, etc. R. Jehudah says that there is no disgrace for slaves. "Thou shalt not steal," in the third commandment, means human beings. [Lev. xix., 11]: "Ye shalt not steal," meaning money. A judge rebelling against the Great Sanhedrin. There were in Jerusalem three courts, etc. In case a judge in the country had a dispute with his colleagues, they came to the first court. If this court were able to decide it traditionally they rendered their decision; and if not, all of them came to the Great Sanhedrin, which was in the Temple

treasury, etc. A disciple who is not a judge who decides for practice against the Great Sanhedrin, is not culpable. A rebelling judge is not guilty unless he gave his decision in a matter to which, if done intentionally, korath applies, etc. The punishment of him who transgresses the decision of the scribes is more rigorous than for that which is plainly written in the Scriptures. The judge in question was not put to death by the court of his own city, etc., but was brought to the Supreme Council, in Jerusalem, etc. A false prophet who is to be sentenced by the court is only he who prophesies what he (personally) has not heard and what he was not told at all, etc. He who prophesied in the name of an idol, saying, "So and so was said by such an idol," although it corresponds exactly with the Hebrew law, he is punished by choking. See all illustrations, pp. 258-260. In every case mentioned in the Torah, if a true prophet commands you to transgress, you may listen, except as to idolatry, ... 245-261

CHAPTER XI.

Mishna *I.* All Israel has a share in the world to come. The following have no share in the world to come: He who says, etc. Three kings and four commoners have no share in the world to come, etc. Is he who does not believe that the resurrection is hinted at in the Torah such a criminal that he loses his share in the world to come? Where is the resurrection hinted at in the Torah? etc. From the Pentateuch, Prophets, and Hagiographa. See 267, also footnote. Queen Cleopatra questioned R. Mair thus: When they shall be restored, will they be naked or dressed? Cæsar questioned Rabbon Gamaliel: You say that the dead will be restored. Does not the corpse become dust? etc. The living die—should the dead come to life? That which has not existed at all comes to life—shall those who had life once not come to life again? The legend of Gebiah b. Pessisa who advocated Israel before Alexander of Macedonia, etc. (Pp. 268, 270.) Antoninus said to Rabbi: The body and soul of a human may free themselves on the Day of Judgment by Heaven. How so? Why does the sun rise in the east and set in the west? At what time does the soul come into the body? At what time does the evil spirit reach man? Lest one say that the verse just cited means, I make one die and another one shall I bring to life, therefore it reads, "I wound and I cure." As wounding and curing apply to one person only, etc. He who hesitates in declaring a Halakha to a disciple, even the embryos in the entrails of their mothers denounce him. Great is wisdom, as it was placed between two divine names. Exiles atone for everything. The upright who will be restored in the future will never return to dust. "What will they do at the time the Holy One, blessed be He, shall renew His world?" etc. Concerning the dead whom Ezekiel restored, the different opinions of Tannaim and Amoriam, if it was a reality or a parable only. (P. 278.) Six miracles occurred on the day Nebuchadnezzar threw Chananyah, Mishael, and Azaryah into the caldron. Even at the time of danger one shall not change the dress belonging to his dignity. Where was Daniel at the time that they were thrown into the caldron? The legend of Achab and Zedkiyahu with the daughter of Nebuchadnezzar. According to the advice of three, Daniel went away before the affair of Chananyah, etc. Concerning the six barleys which Boaz gave to Ruth. All that is written in the book of Ezra was said by Nehemiah b. Chackhalyah. Why then was

it not named after him? The angel who rules the souls after their departure from this world is named Dumah. Hiskiah, who has eight names, shall take revenge on Sanherib, who also has eight names. Hiskiah's (king of Judah) whole meal consisted of a litter of herbs. Pharaoh, who personally blasphemed, was also punished by Heaven. Sanherib, who blasphemed through a messenger, was also punished through a messenger. Ten trips had the wicked made on that day, etc., as it reads [II Kings, x. 28 to 32]. There was one day more appointed for the punishment of the iniquity of Nob. And the astrologers told Sanherib, etc. If the judgment is postponed over one night there is hope that it will be abolished entirely. The legend how Abishai saved King David from Yishbi's hand at Nob. Sanherib, when he came to attack, brought with him forty-five thousand princes with their concubines in golden carriages, etc. See pages 293-296, the many legends concerning Sanherib. Be careful with the children of the Gentiles, as it happens very often wisdom emanates from them. That the day on which Achaz died consisted of only two hours. And when Heskiah became sick and thereafter recovered, the Holy One returned the ten hours to that day, etc. Three hundred mules loaded with iron saws which cut iron were given to Nebusaradan by Nebuchadnezzar while going to attack Jerusalem. Nebusaradan was a true proselyte, from the descendants of Sissera were such who studied the law in Jerusalem, and from the descendants of Sanherib were such who taught the Torah among a majority of Israelites, etc. Have you heard when the fallen son will come? etc. In his Sabbatic period when the son of David will appear in the first year there will be fulfilled, etc. The generation in which the son of David will come, young men will make pale the faces of the old, etc. The world will continue for six thousand years, the first two thousand of which was a chaos, etc. There are no less than thirty-six upright in every generation who receive the appearance of the Shekinah. All the appointed times for the appearance of the Messiah have already ceased. And it depends only on repentance and good deeds. Jerusalem will not be redeemed but by charity. What the Messiah told to Jehoshua ben Levi: Ben David will not arrive until Rome shall have dominated, etc. Discussion concerning the name of the Messiah. The cock said to the bat, I look out for the light because the light is mine (I see it), but for what purpose do you wait for it? The days of the Messiah will be as from the day of creation until now. "He hath despised the word of God," means he who learned the Torah but does not teach it. He who learned the Torah and does not repeat it is similar to him who sows but does not harvest, etc. Has not Moses written something better than: And Lotan's sister was Thimna, etc.? Who is meant by the term epicurian? What good have the rabbis done for us? They have never permitted us to eat a crow, and they have not prohibited us to eat a dove, etc. The measure with which man measures will be measured out to him—*i.e.*, as a man deals he will be dealt with. A good woman is a good gift; she may be given to one who fears God. A bad woman is leprosy to her husband, etc. One may ask the fortune tellers who tell fortunes by certain oils or eggs. But it is not advisable to do so, because they often lie. Support me, and I will bear the statement of Aqiba, my disciple, who says: "Pleased are chastisements," etc. Three men (biblical personages) came with indirectness, etc. What means, "and he lifted up his hands"? He took off his phylacteries in his presence. (See footnote, page 323.) The legends concerning Jeroboam,

pp. 322-325. King Menashe appears to R. Ashi in a dream. R. Abuhu used to lecture about the three kings and became sick, etc. Why was Achab rewarded by the prolongation of his kingdom for twenty-two years? Because he was liberal with his money and assisted many scholars from his estate; half his sins were atoned. Four sects will not receive the glory of the Shekhina, viz., scorners, liars, hypocrites, and slanderers. Achaz abolished the worship and sealed the Torah, etc. The angels wanted to put Michah aside, but the Lord, however, said leave him alone because his house is open for travellers. Great are entertainments, for its refusal estranged two tribes from Israel, etc. Why does not the Mishna count Achaz and Amon among those who have no share? etc. Explanation to verses of Lamentation, pp. 334 to 337. The Scripture is particular that if any one tells his troubles to his neighbor, he should add: "May it not happen to you." The interpreters of notes said that all of them have a share in the world to come, etc. "A perpetual backsliding." Said Rabh: A victorious answer has the assembly of Israel given to the prophets, etc. Concerning Bil'am, the elders of Moab, and Midian, ... 265-340

One shall always occupy himself with the Torah and divine commandments, even not for the sake of Heaven, as finally He will come to do so for His own sake, etc. The caution that Achiyah, the Shilonite, gave to Israel is better for them than the blessings that Bil'am has given to them. "And Israel dwelt in Shittim." Everywhere such an expression is to be found it brings infliction, etc. I saw the record of Bil'am, and it was written therein thirty-three years was Bil'am when he was killed by Pinchas, the murderer. One shall not bring himself into temptation, as David, king of Israel, placed himself in the power of a trial and stumbled. Six months was David afflicted with leprosy; the Shekhina left him, and the Sanhedrin separated themselves from him. Exclusion shall always be with the left hand, and inclusion with the right hand—*i. e.*, if one is compelled to repudiate some one, he shall do it easy as with his left hand, etc. Concerning David's sin with Bath Sheba, ... 340-350

Mishna *II.* The generation of the flood have no share in the world to come, and are also not judged, etc. Concerning the generation of dispersion, men of Sodom and Gomorrah, etc., pp. 350-355: "Noah was just, a perfect man in his generation;" in his generation, but not in others. According to Resh Lakish: In his generation which was wicked, so much the more in other generations. Eliezar, the servant of Abraham, questioned Shem the great, etc. Shem the great questioned Eliezar, etc. "The generation of dispersion." What had they done? What were the crimes of the Sodomites? Concerning the congregation of Korah. One must do all he can not to strengthen a quarrel, etc. "And all . . . on their feet," means the money which makes one stand on his feet. "The generation of the desert has no share," etc, Eliezar, however, said, they have, etc., . 350-362

Mishnas *III.* to *IV.* The ten tribes who were exiled will not be returned, etc. (pp. 362-363). From what age has a minor a share in the world to come? Your saying is not satisfactory to their creator. Say the reverse, even he who has studied but one law does not belong to the Gehenna. It happened once that I was in Alexandria of Egypt, and I found a certain old Gentile who said to me: Come, and I will show you what my great-grandfathers have done to yours, etc. Concerning Shebna and his society, ref. Isaiah, viii-12. Adam was created on the eve of Sabbath. And why?

The Minnim shall not say, etc. At the time the Lord was about to create a man, He created a *cætus* of angels, etc. Every place where the Minnim gave their wrong interpretation the answer of annulling it is to be found in the same place—*e.g.*, p. 370. The discussion with R. Gamaliel and other rabbis, pp. 372-376. "My creatures are sinking into the sea, and ye want to sing?" It reads [Ob. i. 1]: "The vision of the Lord . . . concerning Edom." Obadiah was an Edomite-proselyte. And this is what people say that the handle of the hatchet to cut the forest is taken from the wood of the same forest. [Gen. xxii. 1]: "After these things." After what? After the words of the Satan, etc. According to Levi, "after the exchange of the words between Ishmael and Isaac, etc., ... 362-378

Mishna *IV*. The men of a misled town have no share in the world to come (the Halakhas in detail, 378-383). Concerning the key of rain, which is one of the three keys which are not to be transferred to a messenger, Elijah, too, in the days of Achab, etc., ... 378-385

SYNOPSIS OF SUBJECTS

OF

TRACT MACCOTH (STRIPES).

CHAPTER I.

MISHNA *I.* TO *X.* How should witnesses be made collusive? There are another sort of witnesses who are not subject to the punishment of collusiveness but who are to suffer stripes instead. Where do we find a hint in the Scripture that collusive witnesses shall be punished with stripes? There are four points concerning collusive witnesses, etc. And they are not sold as Hebrew slaves. As it reads: "He shall be sold for his theft, but not for his collusiveness." A collusive witness pays his share. What does this mean? We testify that so and so has divorced his wife and has not paid the amount mentioned in her marriage contract, etc. We testify that so and so owes to his neighbor a thousand zuz, etc. If one says I will make you a loan with the stipulation that the Sabbathic year shall not release me, it nevertheless releases. If one loans money to his neighbor without a fixed term of return, he has no right to demand it before the elapse of thirty days. We testify that so and so owes 200 zuz to his neighbor, and they were found collusive, etc. To a negative commandment that does not contain manual labor, stripes does not apply. The fine of money may be divided into two or three shares; however, this is not to be done with stripes. Witnesses cannot be made collusive unless the falsehood lies in their bodies. A woman once brought witnesses, and they were found false. She then brought another party, who were also found false; she then brought another party, etc. Because she is suspicious should all Israel be suspected of testifying falsely? Collusive witnesses are not to be killed unless the sentence of capital punishment for the defendant is rendered. There is no punishment on the ground of *a fortiori* conclusions. May I not live to see the consolation of our nation, if I have not killed a collusive witness for the purpose of removing from the mind of the saducier, etc. The verse punishes one, an accomplice who conjoins himself to transgressors with the same punishment, etc. And we may learn from this; that so much the more will he who conjoins himself to those who are engaged in meritorious acts, be rewarded, etc. There is no capital punishment, unless two witnesses have warned this culprit. If both of the witnesses have seen him who warned them, they are considered conjoined. The court of Sanhedrin is to be established in Palestine as well as in the countries outside of it. In the large cities but not in the small ones, ... 1–14

CHAPTER II.

MISHNA *I.* TO *V.* The following are exiled, he who kills a person unintentionally. The act of one who thought that such is allowed is not to be considered an accident, but almost intentional. If one has climbed a ladder and the step under him broke and killed, one Boraitha declares him guilty, etc. If the iron of a hatchet slipped off and killed. One threw a lump of brittle stone at a date tree, and the dates fell off and killed (a child). What is considered second force according to Rabbi? If one throws a stone in a public ground and it kills, he is to be exiled. The punishment of exile attaches but to a private set. Is hewing wood always considered a private affair? All kinds of human beings are exiled when they killed by accident an Israelite. A father is exiled if he killed his son accidentally. A heathen or a slave is to be exiled or punished with stripes through an Israelite and vice versa. A stranger or an idolator who has killed even unintentionally is put to death. Only then when, thinking that such is allowed; "For he is a prophet." How is this to be understood? Because he is a prophet she has to be returned, but if a layman, she would not, etc. Exile does not apply to a blind one. An enemy is not exiled (as such a punishment does not suffice). If the rope to which the man's instrument was attached, broke—then he is exiled; but if the instrument slips out of his hand, exile is not sufficient. Whither are they to be exiled? To the cities of refuge, etc. They were also obliged to prepare roads from one city to the other. Formerly all murderers, accidental as well as intentional, used to flee to the cities of refuge, etc. "Giliad is become a city of workers of wickedness," etc. What does this expression mean? The city of refuge must neither be too large nor too small, but middle-sized ones. Be situated in places where there is water and markets. If a disciple is exiled, his master is exiled with him; because the expression, "and live," means you shall supply him with the sources of moral life. He who loves the abundance of scholars possesses the fruit of knowledge. I learned much from my masters, more, however, from my colleagues, and still more from my disciples. The Holy One, blessed be He, appoints them into one inn, and he who had killed intentionally is placed under a ladder, while the other, who killed unintentionally, descends the steps, falls and kills him. According to one he wrote only the eight verses, which begin with. "And Moses died," etc., ... 14–28

MISHNA *VI.* TO *X.* There is no difference between the high priests who were anointed with the holy oil, etc. Therefore the mothers of the priests used to support the murderers with food and clothes, etc. It is counted as a sin to the priest who should pray that no accident might happen in that generation. If a sage has put some one under the ban conditionally, etc. The forty years during which Israel was in the desert, the remains of Judah were dismembered in his coffin until Moses prayed for him, etc. If after the decision has been rendered, the high priest dies, he is not exiled, etc. If it happens that a murderer goes outside of the limit, etc. What has the high priest done that the murderer's fate should depend upon his death? Joab erred twice in so acting: (a) he thought that the horns of the altar protect, etc. The cities of refuge are not given for cemeteries. If one killed accidentally in the city of refuge, he is to be exiled, etc. If a murderer

was exiled, the townsmen like to honor him, he has to say to them: "I am a murderer," . . . . . 28–34.

CHAPTER III.

MISHNA *I.* TO *V.* To the following stripes apply: Crimes under the category of Korath, as well as under that of capital punishment, are also punished with stripes if they were so warned. To a negative command, which is preceded by a positive one, stripes apply. The culprit does not get stripes unless he abolishes the succeeding positive command. R. Simeon b. Lakish, however, differs, and says: He is free from stripes only when he has fulfilled the succeeding one. He who took the mother-bird with her children gets, according to R. Jehudah, stripes. It happened with a children teacher who struck too much the children, and R. A'ha excommunicated him; Rabbma, however, returned him because he could not find as good a teacher. Stripes also apply to him who partook of the first fruit before the ceremony of reading was performed. If a positive succeeds a negative, no stripes apply. A stranger who had consumed sin and transgression offerings before their blood was sprinkled is free from any punishment. Concerning the first fruit, placing it in the temple is the main thing, and not the ceremony of reading. The culpability for second tithe arises only after it has seen the face of the wall of Jerusalem. He who makes a baldness in the hair of his head, or rounds it, etc., is liable. The culpability arises only, then, when he took it off with a razor. What should be the size of the bald spot which would make him culpable? If one made an incision with an instrument he is culpable. For dead he is culpable at all courts whether by hand or instrument. The culpability for etching-in arises only when he has done both, wrote and etched-in with dye, etc. A Nazarite who was drinking wine the whole day is culpable only for one negative. There is an instance that one may plough only one bed and shall be culpable for eight negatives. The number of stripes is forty less one, . . 34–47.

MISHNA *VI.–IX.* The examination as to the number of stripes he can receive and remain alive must be such that can be equally divided by three. If one commits a sin to which two negatives apply, etc. How is the punishment with stripes to be performed? The striker strikes him with one hand so that the strokes shall become weaker. If, after he has been tied, he succeeds to run away from the Court, he is free. As he was already disgraced, he is not taken to be disgraced again. The Lord wanted to make Israel blissful and therefore he multiplied to them his commands. At three places the Holy Spirit appeared. At the court of Shem, etc. Six hundred and thirteen commands were said to Moses, etc. Isaiah reduced them to six. Michah came and reduced them to three. Isaiah (the second) again reduced them to two. "Keep ye justice and do equity." Amos reduced them to one. "Seek ye for me, and ye shall live," . . . . . 47–56.

APPENDIX.

He who speaks ill of his neighbor, he who listens to such evil-speaking, finally, he who bears false testimony deserves to be thrown to the dogs, ... 47–56.

SYNOPSIS OF SUBJECTS

OF

TRACT SHEBUOTH (OATHS).

CHAPTER I.

MISHNA *I.* There are two kinds of oaths which are subdivided into four. The he-goat makes it pending. How is this to be understood? If it does not atone, what is the use of making it pending? It means, *i.e*, if the transgressor dies then it may be considered that if he dies before he becomes aware of it, this sin is not reckoned to him any more. Said Rabha to him: "In case he dies, the death itself completes the atonement; it is the he-goat that saves him from chastisement before he becomes aware by making it pending. All the above-mentioned persons are atoned for by the exported he-goats for all other transgressions without any difference, etc. Such is the custom of the divine attribute of justice, that the righteous atone for the wicked and not that the wicked atone for another wicked, . 1-16

CHAPTER II.

MISHNA *I.* The cognition of uncleanness is of two kinds subdivided into four. The courtyard was sanctified with the remains of a meal-offering only, in order to make it equal to the City of Jerusalem itself, etc. The orchestra of the thanks-offering consisted of violins, fifes, trumpets on every corner as well as on every elevated stone in Jerusalem, and used to play, etc. It was taught, R. Huna says: "All the details in the Mishna were essential in the construction, etc. If one enters a leprous house backwards, although all his body was already in the house except his nose, he remains clean. And ye shall separate the children of Israel from their uncleanness," whence you derive the warning that the children of Israel should separate themselves from their wives near the period of menstruation, etc. If there were two paths one of which was unclean (but it was not certain which one), and one passed through one of them entering, etc. . . 17-26

CHAPTER III.

MISHNA *I.* TO *VII.* There are two kinds of oaths subdivided into four. I swear that I will eat, or I will not eat, etc. Where do we find that one must bring an offering for mere talk, as this one does talk and brings an offering. What is Issor mentioned in the Torah? If one says: "I take upon myself not to eat meat," etc. Vain (Shakve) and false (Shekker) are identical. Stripes apply to all negatives of the Torah implying manual labor, but not to those without manual labor, excepting, however, an oath. There is a moth, which is but a minimum in size, and yet one is liable for

consuming it. I swear that I will not eat, and thereafter eats and drinks, he is guilty but once. I will drink neither wine, oil nor honey, and then drinks, he is guilty for each severally. If he swore not to eat and thereafter ate carcasses or illegal cattle, reptiles and vermin, he is guilty. R. Simeon declares him free. The reason of him who holds that one is liable for an inclusion is that he compares it to an additional prohibition. It is immaterial whether the things sworn off concern himself or others, whether they are or are not of some essential nature. One is guilty only for an oath made with reference to the future, etc. I swear that I know something to testify for you, and it is found hereafter that he knows nothing, etc. There is a rule that, if to something that was included in the general a new law be applied, only by the new one must guide one's self, etc. To exclude compulsion what could illustrate this? As it happened to R. Kahana and R. Assi after the lectures at Rabh's college, etc. Suppose one swear not to eat this bread, and then he is in danger if he does not eat it, how is it, etc.? If one swears to ignore some commandment and does not carry out his oath, etc. If one says I swear not to eat *this* bread, in case I eat the other, etc. Which is false swearing? If one swears that something is different from what it is known by everybody to be. The provisions regarding uttered swearing apply to males, females, to kindred, non-kindred, etc. 27-46

CHAPTER IV.

Mishna *I.* to *VI.* The witness-oath applies to men but not to women, to unrelated but not to kindred, etc. If a scholar was aware of a case, but it was a humiliation to him to go to that particular court he may remain at home, etc., concerning civil cases only. The many things inferred from Exod. xxiii. 7. Keep thyself far from a false speech. How does a witness-oath come about? If some one said to two, etc. If there were two parties of witnesses and both denied successively, etc. There is also a case concerning a witness who refuses to testify to the death of a husband, etc. If one of them denies and the other confesses, etc. I adjure you that you come and bear me witness, that I have in the possession of so and so, etc. I adjure you to testify that so and so has spread abroad an evil name on my daughter, etc. We swear that we know nothing for you, while in reality they do know, etc. I adjure you, I impose upon you, I bind you (by oath) so they are guilty, etc. If one writes Aleph Lamed (the first letters from Eloim), etc. It must not be erased, etc. All the divine names found in the Torah in connection with Abraham are holy, etc. Amen embraces oath, acceptance and confidence, etc. Nay means oath and yea means also an oath, etc. R. Kama, while sitting before R. Jehudah, repeated the Mishna in its own language, and he said to him: "Change the language and use it in the third person, ... 46-65

CHAPTER V.

Mishna *I.* to *VI.* The depository oath concerns men and women non-kindred and kindred, those fit to testify and those unfit, etc. What is the law, when one has intentionally made a depository oath in spite of a warning, is he liable to a sin-offering or not? If the depository claims that the

deposit has been stolen from him, swears, but thereafter confesses, etc. If one denies money when there are witnesses, he is subject to an oath, but is free from such if there is a document. How is it if five persons claim the four articles and he says to one of them I swear that thou hast not with me a deposit, etc., and not thou and not thou, etc. . . . 66-74

CHAPTER VI.

MISHNA *I.* TO *III.* In the case of an oath before court, the claim must amount to two silver, and the confession to one peruta, etc. If one requires movables and real estate, and the other admits movables but denies real estate or *vice versa*, he is free, etc. One must stand when taking the oath; a scholar, however, may do it while sitting. An oath taken by one before the court must be uttered in a language he understands, and the court must say to him the following introduction. Be aware that the whole world was trembling when the Lord spake on the Mount Sinai: "Thou shalt not bear the name of the Lord thy God falsely." I have with you a gold dinar in gold. Nay you have with me only a silver dinar, he is liable. If one was about to claim wheat, and the defendant hastened to confess barley, etc. What is the difference between a biblical and a rabbinical oath. I have a mana with you. Yea, you shall not return it to me without the presence of witnesses, etc. In another case one demanded a hundred zuz, etc. A borrower said to the lender: "You are trusted so long as you will say that I have not paid you"; thereafter he paid him in the presence of witnesses, etc. One does not swear to the following: To slaves written documents, etc. One swears but to things capable of being measured, weighed and counted. How so? If one lends to his neighbor on a pledge, and the pledge got lost, etc. If one lends to his neighbor 1,000 zuz, and pledges them the handle of a scythe only, etc. 75-93

CHAPTER VII.

MISHNA *I.* All those who are subject to a biblical oath swear and do not pay, etc. Give me change for a dinar. Give the dinar. I have given it to you already, etc. You have hired me for two zuz to repair something, while the employer says that he hired him only for one zuz, etc. If witnesses saw one concealing utensils under his garments when coming out from a house, and he claims that he had bought them, etc. The oath returns to its place—the Mount Sinai. If there were two parties of witnesses contradicting each other, each party may appear and testify for itself. Let the master conjoin with us in nullifying the statement of Rabh and Samuel. It once happened that *B.* who had borrowed money of *A* through a surety and on a document died, etc. 93-105

CHAPTER VIII.

MISHNA *I.* There are four kinds of bailees, gratuitous, on hire, borrower and hirer, etc. This is the rule: "Whoever tends to commutate, by his oath liability to liability, unliability to unability, or unability to liability is free, etc. . . . . Appendix, 106-108

SYNOPSIS OF SUBJECTS

OF

TRACT ABUDA ZARA (IDOLATRY).

CHAPTER. I.

Mishna *I.* Three days before the festival of the heathen, it is forbidden to have any business with them. In the future the Lord will take the Holy Scroll in hand, saying, "He who was occupied with it shall appear and receive his reward." The kingdom of Rome will then enter first, etc. After Rome has departed, Persia enters, etc. We have constructed many bridges, conquered many great cities, we were engaged in many wars, all for the sake of Israel to enable them to study the law, etc. "Have we then accepted the Torah, and not fulfilled its commandments?" A Gentile who is occupied with the study of the law is likened to a High-priest, etc. "Lord of the Universe, has then Israel, who has accepted the Torah, observed it?" "Men of ye nations may come and testify that Israel has observed the Torah. Nimrod may testify, etc. There are twelve hours in a day, three hours of which the Lord is occupied with the Torah, etc. There is no smiling by the Lord, since the temple was destroyed. But in the fourth three hours He teaches, etc. There is no Gehenna in the future. But the Lord will take out the sun from its sheath, etc. If not for the fear for government the stronger would swallow the weaker, etc. Concerning the explanation of (Amos, iii. 2) said R. Abuhuh, I will do it in the form of a parable. There was once a creditor of two persons, one a friend and the other an enemy of his. It is advisable for one not to pray singly the additional benediction in the first three hours at the first day of new year. When one performs a meritorious act in this world it precedes him in the world to come. "Three days," etc. Is such a long time needed? is this forbidden because a Jew must not interfere with the idols, or because "Thou shalt not put a stone for the blind"? The prohibition to do business with them refers only to a thing which can be kept in good order until the festival day. It is advisable for one to always arrange the praises of the Ominipotent first, and thereafter to recite the daily eighteen benedictions. The following are the festivals of the heathens: Kalends, Saturnalia, Kratsin, etc. Adam the first, on the first day of his creation, when he saw the sun set, cried: "Woe is to me, the world is to be returned to chaos, etc." Thirty-two battles the Romans fought with the Greeks, etc. Twenty-six years the Romans kept their

promise to Israel, and thereafter they failed. The twenty-six years are not counted. The world will continue for six thousand years, the first two thousand of which were a chaos (Tahu), etc. It happened with Antoninus (the Caesar of Rome), who said to Rabbi, etc. (See the whole legend, pp. 16-18). Unklus b. Klenimus embraced Judaism, and the Caesar sent militia to take him, etc. (See the legend, pp. 18-19). There was still another festival in Rome which occurs once in seventy years, on which they would make a well man ride on a lame man, etc. 1-21

Mishna *IV.* In a city where the idol is placed, interfering is forbidden inside, but not outside. If, during an idol festival in the city, some stores were there decorated, one must not buy, etc. The following are forbidden to be sold to the heathens; Fir-cones, etc. We have a tradition that the tract Aboda Zara of Abraham the patriarch contained four hundred chapters, etc. Where it is customary to sell small cattle to heathens it is lawful to do so, etc. One must not sell to them bears, lions, and all such things, by which the people can be injured, etc. I walked in the upper market of Ciporas, and I met one of the minim, named Jacob, of the village of Sachania. So taught Josa B. Southyra, etc. (See foot-note, p. 27.) The legend of Eliazer ben Durdaya (28). The leech hath two daughters (crying), " Give, give," i.e. minunism—and the government, which are never satisfied, etc. Raba sold an ass to an Israelite who was suspected of selling it to a heathen, etc. He who occupies himself with the Torah, but does not observe bestowing of favors, is similar to him who denies God. The Legend of Eliezer b. Sarta and Chanina b. Tradion when captured by government, p. 29, 30. How Chanina was burned together with the holy scrolls, and what became of his wife and daughter, p. 31, 32. The redeeming of latter by R. Mair (Baal Hanes), p. 33. Happy is he who conquers his evil spirit, as a heroic man, etc. It is advisable to divide one's years into three parts: one-third for the study of Scripture, the second Mishna, and the third Talmud, etc. R. Aqiba when he saw the wife of Tornus Rupers, he laughed and wept, etc. Houses must not be rented to the heathens in Palestine, etc. One must not rent his bath-house to a heathen, but how is it to a Samaritan? etc. 21-40

CHAPTER II.

Mishna *I.* Cattle must not be placed in the inns of the heathens. (See foot-note, p. 41.) "And the cows went straight forward," etc. What does this expression mean? It reads (Jos. x. 13): "And the sun stood still, written in the book of Yasher." What is the book of Yasher? One must not stay alone even with two women. If an Israelite while on the road, happened to be accompanied by a heathen, etc. One must not confine a heathen because she brought up a person to idolatry, etc. A city in which there is no Jewish physician, but a Samaritan and a heathen, the heathen shall circumcise and not the Samaritan. One may employ their (the heathens') services for curing his personal property, etc. Ben Dama was bitten by a snake, Jacob come to heal him with the name of Jesus, but R. Ismael did not allow. With R. Johanan it is different, as he himself was an established physician. Medicines and other remedies for different sickness by different men and women, on pp. 50-53. The following things of the

heathens are prohibited, and the prohibition extends even to the deriving of any benefit therefrom—viz: wine, vinegar, etc. No benefit is to be derived from the dead. Samuel and Ablat, the latter who was a heathen, were sitting together, and cooked wine was brought for them, etc. To fermenting wine no uncovery applies. One must not pour water which has been uncovered, in the public streets, and also not water cattle with it. The sages forbid date-beer of the heathens, as a safeguard against intermarriage. The sick heathens who become swollen, and whom uncovered water does not harm, surely ate reptiles, so that their bodies contain poison which prevent the harming effects of the snake-poison. A heathen pilgrim is prohibited only when on his way to the idol, etc. Enamelled vessels, no matter what color, are permissable. Fish oil made by a heathen specialist is permissable. Why did the sages forbid the cheese of Anugiki? Sweet are to me the words of thy friends (the sages who are explaining the law), more than the essence of the Torah. Compress your lips, one upon the other, and hasten not to propound question, ... 41-65

MISHNA *V.* The following are prohibited, but not from deriving benefit from them: Milk, etc. What is the reason for the prohibition of milk? etc. Concerning oil, Daniel has decreed the prohibition according to Rabh, etc. To everything which is not served on the table of noblemen to relish the bread, the prohibition of "cooked by a heathen" does not apply. All that may be eaten in a raw state, may also be eaten when cooked by a heathen. The sea-donkey is allowed, but not the sea-ox; and you remember this by the following mark: the unclean (on earth?) is clean, while the clean is unclean. We are to trust the wife of a scholar as we have trusted her husband. Meat, wine, blue wool that are to be forwarded through a heathen, require each two seals. The following things are allowed to eat, milk milked by a heathen in the presence of an Israelite, honey and honey-cake, etc. Fish entrails as well as fish-rye you may buy only of a specialist, etc. If the vender says, I have pickled the fish and know them to be clean, he is trusted. Praised be the Omnipotent, who puts this world in the hands of guardians! 65-81

CHAPTER III.

MISHNA *I.* TO *VI.* All images are prohibited, for they are worshipped at least once a year. The staff in the hand of the idol. The bird in its hand of the idol. Finally, the sphere is to indicate that it sacrifices itself for the whole globe. If one finds fragments of images, he is allowed to use them, etc. It is taught that a heathen can profane the idol of his fellow heathen as well as his own, while an Israelite cannot profane the idol of a heathen. If one finds vessels with the image of the sun, moon, etc., he must throw them into the salt lake. The human image and that of a nurse are, however, prohibited only when having respectively a measure in the hand and a son in the arms whom she is nursing. One may grind the images and scatter them to the wind, or sink them into the sea, etc. Peroklas, the son of a philosopher, asked once R. Gamaliel at Ako, who was then bathing in the bath of the goddess Aphrodite, etc. R. Gamaliel gave Peroklas an evasive answer; but I (Hama) say it was not evasive, etc., etc.

The mountains and hills worshipped by heathens are allowed to use, but not the things, brought upon them, etc. Wherever you find a high mountain, an elevated hill, a leafy tree, there is surely an idol there. A town or place bearing the name of an idol should be renamed. If stones absolved fortuitously from a mountain rock, that was worshipped, is their use allowed or not? 82-96

MISHNA *VII.* TO *XV.* If a house situated, close by a worship-house of an idol crumbles down, its owner is prohibited from rebuilding it, etc. There are three kinds of houses. There are three kinds of stones. There are three kinds of groves, etc. What is a grove? A tree with an idol under it. R. Simion said: "Any tree that is worshipped. It is not allowed to sit down in the shade of such a tree." Under such a tree is allowed to sow herbs in the winter, but not in summer, etc. To derive any benefit of wood obtained from an idol-grove is prohibited. How is the idol worship of a tree profaned, etc.? 96-103

CHAPTER IV.

MISHNA *I.* TO *VI.* Three stones near one another and beside the Merkules are prohibited. The son of the saints treads on them, should we abstain thereform? Who was this son, etc.? One is not liable for slaughtering a blemished animal to an idol, etc. Money, garments, utensils found on the head of an idol are allowed, etc. The use of a garden or bathing-place belonging to an idol is allowed when it is gratis, etc. It is common sense that that idol of an Israelite should be forbidden from the very beginning, etc. Whether or no food offered to an idol, if profaned, loses thereby its defilement? There was a pantry in the temple, where the Macabees heaped up the stones of the altar defiled by the Greeks. A heathen can profane his idol as well as that of his neighbor, etc. How is an idol to be profaned? If an Israelite erects a brick to worship it, but does not worship, and a heathen comes, and worships it, it is prohibited, etc. An idol anbandoned by its worshippers in time of peace is allowed. My respect for Rabh and Samuel is so great that I should readily fill my eyes with the ashes of their corpses; none the less, etc. An animal resting in the proximity of an idol becomes unallowable, etc. The animal obtained by the idol-worshippers in exchange for an idol is forbidden 103-119

MISHNA *VII.* TO *IX.* If God is displeased with idol-worship, why does he not destroy the idols, etc.? If the heathens worshipped but things not needful to the world, He would surely annihilate them; but they worship the sun, moon, stars and the planets. How is it that so many cripples are cured by the idols in their temples? If one comes to defile himself, the door is opened to him, while when one comes to cleanse himself, he is supported. It is forbidden both to tread and to gather with an Israelite, who prepares the wine while he is unclean, etc. They further warned against contributing toward the conditions defiling the fruit in Palestine, etc. It once happened that an Israelite and a heathen jointly hired and worked a wine-press in the City of Nahardea, etc. A heathen once happened to enter the house of a Jewish wine-seller, etc. R. Johanan b. Arza and R. Jose b. Nehorai were once sitting together indulging a little in

wine, when a man came in, etc. Does a heathen render the wine prohibited by pouring water into it? Whether it is allowed to hire a heathen for conveying grapes to the wine-press of an Israelite, etc.? A heathen standing near the wine reservoir renders the wine forbidden, provided he has a lien on it, etc. If an Israelite, who has cleansed the wine of a heathen, left it on the latter's premises, etc. When and Israelite buys or rents a house in the courtyard of a heathen, etc. It once happened that Israelites bought of Sarsik, the viceroy, the grapes of a vineyard, etc. . . . 119-134

CHAPTER V.

MISHNA *I.* TO *V.* The wages of a laborer hired by a heathen to work with him, wine for libation are prohibited. How is it when the heathen hires a Jewish laborer to prepare wine in general? Whether or no the use of the money obtained by a heathen from the sale of an idol is all forbidden to an Israelite. Can a citizen-proselyte, a heathen settled down in the land of Israel, on having taking upon himself not to practice idol-worship only, etc. "Jews in prospect such pleasures in your paradise? Do you really mean," said the other, "that there are greater pleasures than this?" If offered wine he poured on grapes, etc. In the case when beer vinegar was intermixed with wine vinegar, or oaten yeast with wheat yeast, etc. The rule is: "a prohibited thing renders another one forbidden," etc. It once happened that a mouse was found in a barrel of beer, and Rabh prohibited the beer. Wine known as being watched, is allowed when transported from place to place by a heathen, etc. "When an Israelite leaves his wine in the wagon," etc. Jewish wine was once stored up in a house, where a heathen and an Israelite lived in the lower and upper floors, respectively, etc, An Israelite and a heathen were once at an inn sitting and drinking wine, etc. In the city of Sumbeditha thieves once intruded into a house, etc. When an army enters a town in time of peace etc. He who sells his wine to a heathen is allowed to use the money, etc. Rabh told the Jewish wine-dealers to have their heathen customers pay in advance, etc. Once an Israelite said to his neighbor: "When I make up my mind to sell this field, I will sell it to you." Later on he sold it to a third party, etc. An Israelite once said to his neighbor: "When I make up mind to sell this field, I will sell it to you for a hundred suz, etc. If the funnel was first used to measure through it into the heathens flask, etc. Devoted wine is prohibited, and renders unallowable even by a minimal quantity. If forbidden wine falls into a reservoir, and simultaneously a pitcher of water, etc. This is the rule: "When the two are of the same kind; a minimal quantity suffices, etc. For how long must the utensils remain glowing in fire, etc. "A knife is cleansed even by grinding it."

SYNOPSIS OF SUBJECTS

OF

TRACT HORIOTH (DECISIONS).

CHAPTER I.

MISHNA *I.* TO *V.* If, after the court had decreed the transgression of one of all the commandments prescribed in the Torah, an individual guided by this decree acted erroneously, etc. If upon issuing the decree the court becomes aware of its being conceived in error and retracts, and meanwhile an individual commits a transgression upon their decree, etc. If while the court was deciding, one of its members who perceived their error drew their attention to it, etc. If causing the whole people to act erroneously, etc. If upon the erroneous decree of the court the whole people, or its majority, acted, etc., ... 3-12

CHAPTER II.

MISHNA *I.* TO *VII.* If an anointed priest has erroneously rendered an unlawful decision against himself and acted accordingly by mistake, etc. If he (the said priest) both decided and acted for himself, etc. The court is not liable unless the issued decree concerns Korath and sin-offering respectively. It is also not liable for a decree concerning a command or a prohibition with regard to (polluting) the sanctuary. There is no liability when the decree concerns an adjuring challenge to testify, a hastily made vow, etc. Concerning a ruler and the high priest's offerings for their sin, ... 13-18

CHAPTER III.

MISHNA *I.* TO *VII.* An anointed priest who has sinned and was removed from his office, etc. If they were appointed to their respective positions after they had sinned, etc. Who is the anointed priest? He who was consecrated to priesthood by the holy ointment, etc. The high priest rends his garment from below; the common priest, from the top, etc. What is more common precedes the less common. The man has the preference over the woman, etc. In captivity his master has the preference over his father. His mother, however, has the preference over all. The following precede one

another in order of arrangement, etc. Why does the dog know his master, and the cat does not? Why do all reign over the mice? Five objects are conducive to one's forgetting his studies, etc. Five are apt to strengthen one's memory, etc. The following ten objects are cumbrous to one's studies, etc. When the prince enters, all the people present in college rise to their feet, without again taking their seats until he tells them to do so. When the chief justice enters, the people occupying two rows of seats facing the entrance rise, etc. The legend which happened to Raban Simon b. Gamaliel with R. Mair and R. Nathan. How the latter were removed from the college. An erudite scholar and a dialectician, who has the preference? How Abaye rose to be the chief of the College of Sura, . . . 18-29

Herrn M. L. Rodkinson, New York

Meran (Austria) 13/6 02

Lieber Herr Rodkinson!

Sie haben die Güte gehabt, mir, in Gemeinschaft mit dem Herrn Grand Rabbin de France Zadoc Kahn, den VI (XIV) Band Ihrer englischen Uebersetzung des Talmud zu widmen, und haben mir damit eine hohe Ehre erwiesen. Ich bitte Sie, den Ausdruck meines herzlichsten Dankes dafür entgegen zu nehmen.

Es wäre eine trügerische Schmeichelei, wenn ich Ihr Werk als eine vollkommenes bezeichnen wollte bin ich doch, weil der englischen Sprache gegenüber nur ein Laie, nicht niemal im Stande dasselbe vollkommen zu beurtheilen. Das aber weiß ich, daß es nur einem so unsäglichen Fleiße, einer so unermüdlichen Energie, und nur einem so kundigen Steuermann, der das ganze "Meer des Talmuds" beherrschte, möglich war ein solches Riesenwerk zu Stande zu

bringen

bringen.

Die Amerikanischen Juden, die ja mit rühmenswerthem Eifer der Pflege und Förderung der Wissenschaft des Judenthums sich zuwenden, werden stolz darauf sein, daß auch diese so oft seit Menschenaltern begehrte & niemals geleistete Schöpfung einer Uebertragung des ganzen Talmuds in ein modernes Idiom auf amerikanischen Boden entstanden ist.

Daß Sie meinen Namen mit dem Werke verknüpft haben, verpflichtet mich zum innigsten Danke, mit welchem ich, unter herzlichen Wünschen für das fernere Gelingen und besten Erfolg, verbleibe

Ihr Lazarus

Translation of the original letter of the *Privy Councillor* to H. I. M. the German Emperor, Prof. Lazarus, Ph.D., D.D.

"You have been kind enough to dedicate your English translation of Volume VI. (14) of the Babylonian Talmud to me, in conjunction with Monsieur the Grand Rabbin of France, Zadoc Kahn. You have conferred upon me a high honor and I beg of you to accept therefor my heartiest thanks. It would be a deceiving flattery were I to say your work is perfect, for I am but a layman so far as the English language is concerned, hence on that point am not in a position to judge. I know, however, that only by means of a diligence which cannot be estimated and through untiring energy—and that possessed by a skillful pilot who has mastered the 'whole sea of the Talmud'—can such a gigantic work be accomplished.

"The American Jews, who turn to the promotion of the science of Judaism with such praiseworthy zeal, will be proud of the fact that this ever-desired and never-accomplished task, the translation of the whole Talmud into a modern idiom, was consummated on American soil.

"That you have connected my name with your work obliges me to express my sincerest thanks, with the expression of which I remain, with many hearty wishes for your future welfare and success, your

"LAZARUS."

Reproduction of the Grand Prize Diploma for the first translation (into a modern language) of the Babylonian Talmud. The name of the translator leads those in Group III., Class 13, of the American Collective Exhibit. Presented by the International Jury of Awards, August 18, 1900.

ENDORSEMENTS

Rev. Dr. B. Szold,
Rabbi of the Cong. "Oheb Shalom," of Baltimore.

Baltimore, Jan. 16, 1895.

Rev. M. L. Rodkinson, a renowned Hebrew scholar of repute and ability, happening to be in Baltimore, called on me in connection with his project of editing his work to be known as the "Ancient Short Talmud." He laid before me a number of Hebrew proof sheets of the treatise "Berachoth" and the whole of the treatise "Sabbath" in manuscript, and asked me to read with an eye of a critic his work, to the end that if it appeared to me valuable I should testify to its merit and its purpose.

I very carefully read sixteen chapters of the MS. of treatise "Sabbath," and it affords me the greatest pleasure to state that I not only conscientiously consider the work of extraordinary merit and value at this time, but that I was exceeding pleased to find that the editor has carefully arranged the text of the Talmud most consecutively and logically.

He facilitates the reading of the Talmud considerably on account of this excellent orderly arrangement. The commentary of Rashi was also arranged to meet the requirements suiting this edition, and the editor has not added any explanations of his own, nor altered the wording of the text.

Although the contents of the Talmud were familiar to me from my youth, yet this new arrangement made delightful reading and brought new light. *The reader can now read the text intelligently, for it seems as if the waters of the Talmud flow directly from their source*, and therefore it is with the sincerest pleasure that I hope the work will meet with the greatest success.

Every scholar will readily understand the necessity of such an admirable work at the present time, when the study of the Talmud in its voluminous shape will not, without deep and difficult study, infuse the student with a knowledge of all its intricacies and fine points. In the Talmud as formulated and abridged by Mr. Rodkinson, however, where all unnecessary repetitions and dispensable debates are discarded, the student will be able to gain a fair knowledge of all desirable and attractive points at the cost of very little time and trouble.

These considerations have constrained me to overstep my well-defined limitations, and to beg all friends of our nationality and its estimable old literature to encourage and aid this able author to the end that success may crown his valuable and much desirable efforts in this direction.

Let this tribute of mine to truth and righteousness be a testimonial for the coming generations of the high esteem felt by our contemporaries of the 19th century toward the Talmud and our national traditions, and how ready we were to encourage those who made the Talmudical study the aim of their existence.

With the assurance of the satisfactory results which will obtain to all Talmudical students by a perusal of this abridged Talmud,

I am, very respectfully,
B. Szold.

REV. DR. M. JASTROW,
Rabbi of "Rodelph Shalom" Cong., of Philadelphia.

GERMANTOWN, Oct. 5, 1894.

DEAR SIR:

At your request I take pleasure in stating my opinion that your planned edition of an abridged Talmud will be a great benefit to students, who will be spared the wading through the intricate discussions frequently interspersed without direct bearing on the subject treated. An English translation of the book so abridged will then be, though not an easy, yet a possible labor.

Wishing your enterprise the full success it deserves, I am,

Very respectfully yours,
M. JASTROW.

To Mr. Michael L. Rodkinson.

PROF. DR. M. MIELZINER,
of Cincinnati.

Having perused some advance sheets of a part of the abridged Talmud edition which Mr. Michael L. Rodkinson is about to publish, I find his work to be very recommendable. Such a Talmud edition, in which all unnecessary digressions and all disturbing interpolations are judiciously omitted and in which the text is provided with punctuation marks, will greatly facilitate the study of the Talmud, especially for beginners.

I trust that the friends of our ancient literature will liberally support this scholar, and enable him to complete this useful work.

Dr. M. MIELZINER,
Prof. H. U. College.
CINCINNATI.

REV. DR. K. KOHLER,
Rabbi of the Cong. "Beth-El," of New York.

NEW YORK, Feb. 12, 1895.

DEAR SIR:

I gladly and heartily endorse the opinion expressed by Prof. Lazarus and the Rev. Drs. Jastrow, Mielziner, and Szold, as to the merits of your planned edition of the Talmud. I also consider an abridged edition of the Talmud, while omitting the many interpolations which tend to confuse the reader and facilitating the study by the addition of modern punctuation marks, would render the reading of the difficult passages a pleasure rather than a task, *a benefit for the scholarly world, both Jews and Gentiles*, and I can only recommend the work to the support of generous-hearted patrons of our so little subsidized Jewish literature.

DR. K. KOHLER.

To Michael L. Rodkinson.

REV. DR. FELSENTHAL,
Rabbi of the Cong. "Zion," of Chicago.

CHICAGO, Feb. 14, 1895.

MR. MICHAEL L. RODKINSON,
New York City.

DEAR SIR:

The fact cannot be denied that the Talmud, as it has been handed down to us, is very voluminous, and that, furthermore, by the intricacies of the dialectics prevailing therein and by the labyrinthical methods pursued in the same, it cannot be fully mastered except by scholars who devote their lives, their days, and their nights almost exclusively to the study of this grand branch of ancient literature. In our present times and in countries where of necessity all students, rabbis included, have to pursue other branches of learning also, such an exclusive devotion to Talmudical studies is out of the question. For the majority of the students, and especially for those who, in colleges or in other ways, begin to study the Talmud, an abridgment of the same—such an abridgment by which the more important parts of the Talmud would be contracted into a narrower compass and many of its difficulties would be avoided—will be very desirable, especially if by the inserting of punctuation marks into the text and by explanatory notes at the bottom of its pages or at the end of the various volumes the reading and the understanding of the Talmudical extracts will be facilitated.

I would recommend therefore your intended publication of an epitomized Tal-

mud to all friends of Jewish literature in general and to students of Theological Colleges especially. And may the wealthier ones among our coreligionists, even if they themselves are personally unable to read and enjoy such literature, nevertheless patronize your great undertaking and follow the example given by the wealthy merchants among the Zebulunites who supported the less wealthy students of our sacred literature belonging to the tribe of Issachar.

May you then succeed in furnishing us with an abridged Talmud in which especially the pedagogical requirements of a work of this kind will have been satisfied!

Respectfully,

B. Felsenthal.

SOME PRESS COMMENTS

SINCE we commenced the translation of the Talmud many favorable reviews have been passed upon it in periodicals of both continents, which have devoted to it column upon column, too numerous for us to mention in detail. Some of these reviews were printed in 1895 by the New Amsterdam Book Company in their prospectus; namely, from the Boston *Transcript*, Boston *Herald*, *Menorah*, Cincinnati *Enquirer*, Baltimore *American*, Syracuse *Standard*, Cleveland *Leader*, Baltimore *Sun*.

In 1896 and subsequently up to the present time there have appeared favorable reviews and notices in numerous periodicals, of which we give a partial list: Hartford *Post*, Washington *Times*, Baltimore *American*, Boston *Globe*, Boston *Congregationalist*, Boston *Beacon*, Detroit *Free Press*, St. Paul *Globe*, Minneapolis *Journal*, New York *Book Buyer*, New York *Sun*, New York *Outlook*, New York *Times*, New York *Independent*, New York *Evangelist*, New York *Herald* (January, 1897), New York *Christian Intelligence*, Columbus *Press-Post*, Philadelphia *Press*, Philadelphia *Episcopal Recorder*, Reading *Times*, *American Israelite*. As it is impossible for us to give citations from all of them, we content ourselves with a clipping from the *Home Library* (New York, 1897-98) and a few words from other publications in the same spirit.

Babylonian Talmud, New Edition of the: English Translation: Original Text Edited, Formulated, and Punctuated. By Michael L. Rodkinson. Revised and Corrected by the Rev. Dr. Isaac M. Wise, President Hebrew Union College, Cincinnati, Ohio. Five Volumes Published (1896–97). To be Completed in about Twenty Volumes. An edition in English Translation of the whole Talmud thoroughly cleared of confusion and corruption, and brought into a readable and intelligible form, in which it can be understood in its vast range of interest, and judged upon its real merits as the great Jewish encyclopedia of religion, ethics, education, law, history, geography, medicine, mathematics, and in fact knowledge and opinion on every branch of thought and action. Dr. Wise speaks of the work as "Rodkinson's reconstruction of the original text of the Talmud," which is confessed to have been in a very bad state, from irrelevant matter thrust in by later hands, and even by hostile hands, and from corruptions such as works existing for ages in manuscript, and successively copied by scribes sometimes careless of accuracy and often free with changes or additions, are liable to. Dr. Rodkinson's perfect mastery of the Hebrew, and his comprehensive knowledge of the true Talmudical facts, with his admirable grasp of high ideals, and con-

fidence that they are the ideals of his race and of the Talmud, have enabled him to reconstruct the original text and to give a clear and readable rendering of it in English, by which for the first time the Talmud is made as accessible to the English reader as the books of the Old Testament. In Dr. Rodkinson's representation, "the Talmud is not a commentary on the Bible." It is not a body of dogma to be enforced, but of opinions to be considered; "not the decisions, but the debates of the leaders of the people;" "not a compilation of fixed regulations," but a book of "liberty, both mental and religious," knowing "no authority but conscience and reason." The extreme freedom of suggestion and statement used by those who speak in it, the special reasons for many of its laws, such as the desire to break from the neck of the people the yoke of the priests, and the vein of humor running through much that seems most objectionable, are insisted on by Dr. Rodkinson as showing that "nothing could be more unfair, nothing more unfortunate than to adopt the prevailing false notions about this ancient encyclopedia."

Dr. Rodkinson's work is thus not only a definitive English-Hebrew Talmud, for popular reading as well as for study of Jewish lore of every kind, but it is an interpretation to the modern mind of a vast monument of Hebrew life and thought, the value of which cannot be exaggerated. Vols. i. and ii. of the work give 'Tract Sabbath' in 390 pages. Vol. iii. gives 'Tract Erubin,' 250 pages, in which are embodied the famous Rabbinical devices for getting round the prohibitions of 'Tract Sabbath.' Vol. iv. has 'Tract Shekalim,' which is all about a sacred half-shekel tax, paid by every Israelite at twenty years of age, and 'Tract Rosh Hashana' (or New Year), 232 pages. There are twelve of these 'Tracts' forming the first section of the entire work, called 'Moed' (Festivals). The whole of Dr. Rodkinson's colossal task includes a new Hebrew text, some parts of which, to fill gaps in the commentary sections, he has himself composed from materials given in the Palestinian Talmud or in Maimonides. The entire work is sufficiently advanced to make its early completion secure. The reader of Dr. Rodkinson's own writings easily recognizes in his mastery of English style, and his high mental and ethical qualifications, ample assurance of his ability to make his Reconstructed Talmud an adequate text-book of the learning and the liberal spirit of modern Reformed Judaism. To Christian scholars, teachers, and students of liberal spirit, his work must be most welcome.—*Home Library.*

Looking at Mr. Michael L. Rodkinson's work as literature, it is a production which has required a vast amount of knowledge and infinite patience. The knowledge of the Hebrew has been profound, and the intricacies of the text are all made clear and plain. The testimony of the much-respected President of the Hebrew Union College, the Rev. Isaac M. Wise, is the strongest of indorsements. An amazing mass of material in these two volumes will delight the ethnologist, the archeologist, and the folklorist, for certainly, before the publication of this work, access to the Talmud has been well-nigh impossible to those who were not of the Semitic origin.—New York *Times*, "Saturday Review," June 19, 1897.

Until now it has been impossible that the Talmud should have any extensive influence upon modern thought. It has been practically almost inaccessible even to Hebrew students. . . . Many attempts have been made by editing to make its contents more available, but until a thorough textual revision had been completed, these attempts were in fact hopeless. Rabbi Rodkinson has at last effected this textual revision.—*Evangelist*, November 18, 1897.

Here is a work which is a credit to American Judaism; a book which should be in every Jewish home; a literary production without which no library will be complete; a work whose character will rank it with the first dozen of most important books.—*The American Israelite.*

There can be no question that its translator has rendered a welcome service to literature.—*The Tablet*, London, October 2, 1897.

A stupendous work, almost as significant to the Jewish layman as the Bible to the Gentile, and of most engrossing interest to scholars of all denominations, is the translation of the Talmud. The Talmud is the ritual statute book, and last authority of the Jew. Seven millions of Jews adhere to its teachings. The reading of the Talmud in the original is beset with many and peculiar difficulties. Its repetitions, strange idioms, epigrammatic style, intricacies of thought and speech, and boundless range of subject, have made its perusal a puzzle. . . . But Dr. Rodkinson has dared brave the meshes, and he has, with the success known by appreciative scholars, carefully unravelled and eliminated the problems of the work. He now presents the text consecutive and clear.—Washington *Times*.

The importance of this work, alike to Jewish and non-Jewish scholars, will be appreciated by those who know not only what incomparable value is placed upon the Talmud as a storehouse of rabbinical Judaism, but what the difficulties are in making for the first time an exhaustive, systematic and philologically accurate text of this great literary monument of Jewish thought and mind.—Philadelphia *Press*.

We are glad to have an English translation of a book which is at once the expression of the history of an important people, and the source of many of its modern customs. The task of the translator is not a light one, and has, indeed, only been rendered possible by the zeal and enthusiasm of specially-equipped Jewish scholars.—*The Congregationalist*, Boston.

The value as a translation and a contribution to religious literature of this new edition of the Talmud cannot be too highly estimated.—Extract from a page notice in *The Church Standard*, Philadelphia.

Beyond question the publishing of this work in this accessible form will prove of great value to many students of the Bible who do not read in the original tongue.—Hartford *Post*.

We scarcely need to point out that the undertaking now fairly launched, is one of unique importance.—New York *Sun*.

A gigantic work long looked for and desired by scholars.—*Episcopal Recorder*.

It requires some courage for Mr. Rodkinson, finding that the tract "Shekalim" (the half-shekels paid into treasury) has only the Mishna with no Gemara, or commentary, to provide a Gemara of his own, in Hebrew as well as English. . . —*The Independent*, April 7, 1898.

In our prospectus we have published some reviews of the most important papers until April, 1898, of which we use the plates. We beg to give also a small portion of the succeeding press until July, 1903.

. . . This (eighth) volume is the actual proof that the great Talmudist, Rodkinson, will in a very short time redeem his promise to be *the first* man to render the whole Talmud into a modern language, and the very first man to render any complete treatise of it into English. We take a special pride in Rodkinson's gigantic work, in that it is American, and the English is as correct, clear, and idiomatic as any celebrated English scholar in London or Oxford could make it. We heartily admire also the energy, the working force of this master mind, the like of which is very rare, and always was. Therefore, we urge again upon all friends of historic literature, to encourage and assist Mr. Rodkinson in this great enterprise. Mr. Rodkinson's clear conception of this literature with the numerous difficulties it offers to the student, is evident from the English translation, which has no obscurities, and nowhere stands in need of any commentary.—The late Rev. Dr. Isaac M. Wise, in *American Israelite*, August 17, 1899.

. . . The recent American edition by Dr. Michael L. Rodkinson it is believed is an exact translation of the entire Talmud. To the student of history the Talmud opens a vast realm of research.—Queries and Answers, *N. Y. Times Sat. Review*, 1901.

. . . It was left for Mr. Rodkinson, a Talmudic scholar depending upon his pen for his livelihood, to undertake this unpromising and gigantic task. He entered upon it six years ago, without any encouragement or support to speak of. Since then he has produced volume after volume, at intervals of about six months, and the number of volumes published now amounts to twelve. The entire section of *Moed* (Festivals) is completed, and Jurisprudence is almost finished. And thus in spite of discouraging criticisms the work is steadily approaching its end. One cannot help admiring the pertinacity and industry of its author.—*The Jewish Chronicle*, London, Sept. 6, 1901.

. . . Der in der Ueberschrift genante Band ist bereits der dreizehnter des ganzen Werkes, das im Jahre 1896 zu erscheinen begonnen hat, also mit bemerkenswerther Raschheit vorwartsschreitet. . . . Der Träger des ganzen Unternehmens und Urheber des Uebersetzung ist Michael L. Rodkinson, ein Gelehrter russischer Herkunst, das sich in den achziger Jahren durch hebraishe Schriften verschiedenen, zum Theile sensationellen Inhalt in Europa einen Namen gemacht hat. . . . Aber in Grossen und Ganzen kann man die Arbeit als Ergebniss hingebend Fleisses und wirklicher Vertrautheit mit der Sprache und dem Geiste des talmudischen Schriftthums loben. . . . —*Pester Lloyd*, March 13, 1902.

. . . Its interest is by no means confined to Israelites, *but is great for Gentiles as well.* In the first place, the volume, as the others of its series, throws brilliant light upon the peculiarly subtle distinctions and regulations of the Hebrew laws. . . .—*Pittsburg Post*, April 20, 1902.

. . . The Babylonian Talmud. Edited by Michael L. Rodkinson. Section Jurisprudence (damages), Tract Sanhedrin. (11x7¼, pp. 385.) New Talmud Publishing Company, New York.

We congratulate the editor and translator of that colossal work, the Babylonian Talmud, upon the steady progress of his undertaking, and American science upon the distinction conferred upon it by the first translation of the whole Talmud into a modern tongue, which is at present appearing. The importance of the Talmud for scholars of all schools, for Jews as well as Christians, can hardly be overrated. It is the one great commentary upon the customs of the times which are most interesting to a Christian and it contains the foundation of the theology and the law which is still in force among the Jews. As such it is indispensable to all adherents of the Hebrew faith and is the subject of constant study. But to the Christian theologian the Talmud has been to a large degree a sealed book, partly because of the language in which it is written and partly because of the expense of the only available editions. But the theologian is in need of it in explaining not a little Christian theology which has been much misunderstood. We refer especially to the doctrine of the Atonement and original sin, neither of which can be understood apart from the Jewish theological opinion current in the time of St. Paul. Hitherto the only book of value to the theologian who was not able to explore the "sea of the Talmud" was the work by Weber, "System der Alt Synagogalen Palästinischen Theologie," which was not wholly reliable. The older works, which were still more tendenziös, have long since been discarded. We have now an available translation of one of the greatest literary achievements of the past. The general principles upon which the learned editor has made his translation are, on the whole, excellent. He has undertaken a revision of the Hebrew text of the Talmud, a matter that was needed and which was in itself a vast undertaking. He has made a translation from that revised text, accompanying it with a very copious synopsis of contents prefixed to each volume. This alone deserves the thanks of students. It makes much accessible that was before practically buried.*

. . . Even the lay reader will find a great deal that is interesting in the new edition of "The Babylonian Talmud," by Michael L. Rodkinson. One, and possibly the main, reason why in more recent centuries the Talmud has received so little attention from the scholars of the world, not excepting those of the Jewish church, is because its efficient perusal was always a task that could be accomplished only with difficulty. The editor of the volume in question has succeeded in eliminating the majority of the abstruse obstructions and has rendered his work fairly intelligible to the average reader or student.

Of course it is not to be supposed that the Talmud, no matter how translated or edited, will attract any great attention in this age, or any future age. Its ancient laws can be regarded now with little more than curiosity, and with gratification at the thought that the race has progressed so far toward a perfect civilization. But for those who may wish to dive into the mystic depths of Talmudic lore, the Rodkinson edition is by far the best for that purpose. It is simplified about as much as could be expected, as will be immediately recognized by those who have struggled with other Talmud translations. An interesting point taken up by the author refers to the time of the establishment of the Sanhedrin or Supreme Council of the Hebrew race.—*Pittsburg Post, May* 17, 1903.

. . . The Babylonian Talmud. New edition. Formulated and translated by Michael L. Rodkinson. Vol. V. Section Jurisprudence—Tract Baba Bathra, Vols. VII., VIII. (in one)—Tract Sanhedrin. New York: New Talmud Publishing Co.

These two volumes cover, in part, the section of the Talmud which deals with Jewish law. The minuteness of the decisions as to sale or rental of land, houses or animals, or to the qualifications of judges and the conditions of capital pun-

* Further, the author of this article criticised some of our explanatory remarks, to which an answer is given in the Introduction to Volume XVII., p. viii.—*Baltimore Sun*, April 17, 1903.

ishment, is something amazing to the uninitiated, and of real interest to any one who for scholarly purposes or curiosity will browse in this forest. To the ordinary reader the most interesting portion will be the last chapter, which gives the haggadas, or imaginative stories, of a religious sort. We again commend this monumental work to the biblical student, or the student of Hammurabi's Code, and hope that Dr. Rodkinson may live to finish the two or three dozen volumes yet to appear.—*Independent*, 1903.

. . . I have so often dwelt upon the excellency of this important work that it requires no further words of mine. Intelligent people among the reading classes cannot be otherwise than desirous of having access to such a famous piece of literature as the Talmud, and as the translation is the only one in the English language it certainly should find its way into the libraries of all who make any pretensions to be looked upon as well read.—*Chicago Isr.*, Aug. 26, 1899.

. . . This eighth volume of Dr. Rodkinson's enormous undertaking—nothing less than the translation of the entire Talmud into readable English—proceeds with most commendable rapidity.—*Independent*, Sept. 28, 1899.

. . . There can be little doubt of the great value of such a translation as this. All students of primitive law and custom, of folk-of-love and the transmission of stories will find in it rich material. This the book may be commended not only to those interested, but also to the wider public.—*Eve. Post and Nation*, Nov. 3, 1899.

. . . The importance of Mr. Rodkinson's work need not be questioned. The Talmud as he has translated it will take its place in all theological and well-appointed libraries, indifferent as to creed. —*N. Y. Times Sat. Rev.*, Nov. 25, 1899.

. . . The Babylonian Talmud made its appearance in fourteen heavy folio volumes without a vowel point being seen from the first page of the first volume to the last page of the last . . . The task that the learned Doctor has undertaken is a Herculean one ; but this is the eighth volume of it, and his work has been favorably commented on by many eminent Rabbinical scholars. — *Montreal Star*, March 3, 1900.

. . . Mr. Rodkinson must be admired for the courage, perseverance and untiring industry he has undertaken to present to the English-speaking public the successive volumes of the Talmud. It is a gigantic work to carry out single-handed, and deserves the support of all who are interested in the Encyclopedia of seven centuries of the life of Jewish spirit as it found expression in law, in spiritual interpretation, etc.—*N. Y. Times Sat. Review*, July 7, 1900.

. . . The theologian and historian philosophy, as well as the man of general culture, will find extremely interesting data in these form tracts. They are rich in incidents of value for the history of civilization as concerning facial manners and conditions of life. In short, just that which is calculated to interest the student of human nature and the ethics of nations is here given us copiously. Judaism is here presented in the words of his sages and saints, but also its men of practical sagacity.—*Am. Israel.*, Vol. 47, N. 4, July 26, 1900.

. . . His last volume, the ninth in the order of publication and the first of the section of Jurisprudence, treating as it does the ethics of the fathers, is especially praiseworthy. The difference between this volume and its predecessors is, that they are to the ordinary reader like deserts with a pleasant spot here and there, while this is a garden of flowers—a summery realm where rocks show green growth.—*Hebrew Standard*, Aug. 10, 1900.

. . . You must be able to translate not only from Hebrew into English, but from the first and second to the twentieth century, if you would understand the Talmud. Your view must retain the essen-

tial and the permanent and release the temporary and trivial. You must know the spirit of the tintings, and be able to convert the solid chunks of raw golden metal, in the form of episode, tale and tradition, into evident ethical coin of the realm. If you are able to do this, you are prepared to read this translation of the Talmud appreciatively and with good results.—*Jewish Exp.*, Philadelphia, Aug. 10, 1900.

. . . I think that the work will be a desirable addition to the library of every lover of Jewish literature.—Emil G. Hirsch, Rabbi Sinai Cong., Prof. Univ. Chicago, Apr. 12, 1899.

. . . It is curious that while Indian law and the legal systems of other still more primitive peoples have been studied and analyzed by professional students of the history of law the Jewish codes and the codes of Islam have met with little attention . . . Dr. Rodkinson's work may therefore be commended not only to students of things Jewish, but also to students of comparative law. . . . The book is like a sheep's head, "of a fine mixed feeding," and not only the jurist, but the student of folk-love and human nature generally, will find advantage and entertainment in it.—*Nation*, N. Y., Nov. 15, 1900, and March 21, 1901.

. . . Dr. Rodkinson's work of translating the Talmud into English is making good progress . . . there is no more interesting statement quoted than that attributed to Rabbi Johanan, who said that Jerusalem was destroyed because they used the exact law only and never moderated it.—*Independent*, N. Y., Jan. 17, 1901.

. . . It is certainly the most wonderful work ever prepared, comprising in its scope science, physics, jurisprudence, and, in short, laws for every condition and circumstance of human life.—*Denver Times.*

. . . It is one of the miracles of history that a work which for centuries has been persecuted, maligned, misinterpreted, burnt, censured, expurgated, as if the spirit of evil and darkness were enshrined within, should become at last the subject of international study and receive the honor of translation or paraphrase in French, German and English.—*Baltimore Sun,* July 25, 1901.

BOOKS, PAMPHLETS, PERIODICALS, AND BOOKS BY OTHER WRITERS PUBLISHED BY THE AUTHOR OF THIS WORK.

In his youth (18 to 20): "Urim-VeTumim H'chadosh" (a new fate-booklet), "Edath-Zadikim" (Congregation of Righteous), "Sippurei Zadikim" (Legends of Righteous), "Shebhochii H'Rabh" (Praises of the Rabbi), all of them Lemberg, 1855; "Hithragshuth H'Nephesh" (Aspiration of the Soul), in Zohar version (recently published in a prayer-book omitting the name of the author), Lemberg, 1865.

"Mozath-Mizva-V'Eliluth-H'Dam" (Unleaven Bread and the Blood Accusation), Presburg, 1882, "Lebhaker-Mishpat" (Investigation of Justice), Berlin, 1883, "Aben-Horoshe" (Corner Stone), Berlin, 1883, and Aben Sapir" (Sapphire Stone), Presburg, 1885; the first treats about Reform in Judaism and the second the criticism by Krochmal and Lilienbloom on the "Tephila-L'Moshe," with the answers of the author. "Barkaye," Vol. I, against S. I. Bloch, Vol. II., a monthly, Wien, 1887, "Agereth-P'thucho Le H'Rabbonim" (An Open Letter to the Rabbis), and "Agereth Ha-Talmud Ha-Shenith" (The Second Letter About the Talmud), Presburg, 1886, "Maamar-Ha'Issuth" (A Wedding-Present), "Ahabhath Adam" (Human Love), Vienna, 1886, a pamphlet: "The Jewish Character," first period appeared also in New York.

"Tephila-L'Moshe M'Kuzi" (Ursprung und Endwickelung des Phylacterien-Ritus bei-den Juden), "Toldath-Baalei-Shem-Tob" (Biographie Sammtlicher Rabbiner), vom Jahre, 1695 to 1876, Vol. I., Israel Baal-Shem-tob nebst Geschichte der Frankisten, Königsberg, 1876, "Emudei Chabad," Rabbi Zalman of Loznie, Vol. IV. of the above-mentioned book, with an addition of the different text in the prayer-books of all Jewish sects, Königsberg, 1876.

Periodicals: "Hakol," a weekly, in Bible language; "Kol Leom," a weekly, in Jzargon, Königsberg, 1876–1877, and from 1878 to 1880; the "Hakol," twice a week. At the end of 1879 the circulation of both periodicals in Russia (where the most subscribers were) was prohibited by the Government, and began to appear again once a week during 1880. From 1881 it appeared under the name "Hachoze" in Berlin seventeen weeks for the Russian subscribers, and was again prohibited; also, in 1882, two weeklies, named "The Prophet of Hamburg" and "Hamburger Israelit," were issued for the Russian reader, and by the numbers 9 were again prohibited. The "Hakol" appeared also in Vienna one year, and also in New York twenty-two weeks, and thereafter "The Defender," both in pure Hebrew, and by the seventeenth number stopped.

Monthlies: 'Asephath H'chamin" (The Assembly of Wise), Königsberg, 1879, which was prohibited by the Russian Government at the sixth number, and "Hameaseph" (The Compilator) in the same place 1879–1880.

In German language: "Der Schulchan Aruch und seine Beziehungen zu den Juden und nicht Juden," "Warheit gegen Luege," Wien, 1883–87.

English: "History of Amulets, Charms and Talismans," New York, 1893. "The Pentateuch, Its Languages and Its Characters," Chicago, 1894. From 1896 to 1903 eighteen volumes of the Talmud in English were issued.

The following books of other writers were published by the same author, supplied with his Prefaces and Remarks : " Pardas," by Rashe, Warshau, 1870 ; " Queries and Answers," by Joseph Aben Miggash, Warshau, 1870 ; " Sheerith Israel," by the Rabbi of Welednik, third edition, Königsberg, 1876 ; " Atereth Israel," by the " Maggid " of Behapoly, Zitomir, 1865 ; " Egereth Bekoreth," by Jacob Emdin, Zitomir, 1865 ; " Luchuth Ha. Eduth," by Azar Zosmir, Lemberg, 1866 ; and " Marpe Leom," Zitomer, '66.

Jzargon : " The Spiegel," Adesse, 1867 ; " Wigderel ben Wigderel," Warshau, 1870.

MSS. : " Rodkinson's Eight Chapters " (an investigation about charms and amulets at large) ; " The Fiftieth Jubilee " (a voluminous book of his autobiography) ; Madua " (Why) the Jewish question; " The Patriarch Abraham," a drama in eight visions, based upon the legends in Talmud and Post-Talmudic Literature; " What is the Talmud," the first chapter of it published as an appendix to Pentateuch, mentioned above. " Remarks and Enlightenment " to each tract of both Babylonían and Palestinian Talmuds, Mishnayot and Tosephthas.

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